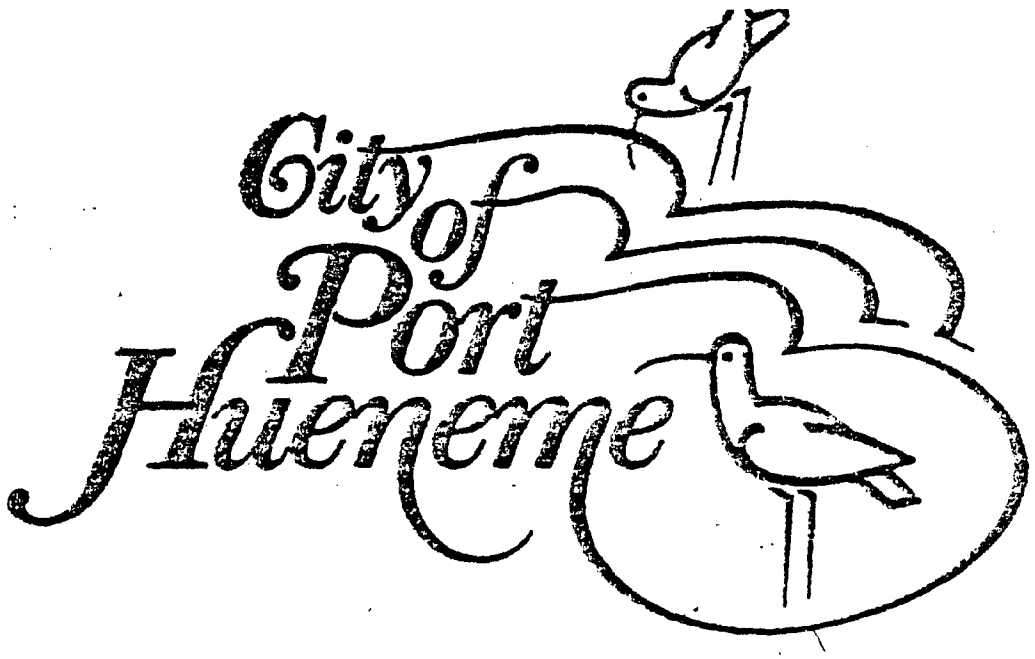
Local Coastal Program

Land Use Plan and Implementing Actions

LAND USE PLAN CERTIFIED AS
LEGALLY ADEQUATE BY THE
CALIFORNIA COASTAL COMMISSION
ON 2/11/83
O

IMPLEMENTING ACTIONS CERTIFIED
AS LEGALLY ADEQUATE BY THE
CALIFORNIA COASTAL COMMISSION
ON 7/25/84



Local Coastal Program

Land Use Plan and Implementing Actions

May 16, 1984

City of Port Hueneme

City of Port Hueneme

250 North Ventura Road • Port Hueneme, California 93041 • Phone (805) 488-3625

May 16, 1984

MEMORANDUM

TO: COASTAL COMMISSION

FROM: DEPARTMENT OF COMMUNITY DEVELOPMENT, CITY OF PORT HUENEME

SUBJECT: LOCAL COASTAL PROGRAM

In August of 1982, the City of Port Hueneme submitted its complete Local Coastal Program to the California Coastal Commission for certification. Although action was deferred on the LCP Implementing Actions (i.e., Zoning Ordinance together with related plans and programs), the Land Use Plan was effectively certified on February 9, 1983. Since that time, the City has redrafted portions of both the Land Use Plan and Implementing Actions which are collectively designed to eliminate ambiguities, incorporate nonsubstantive changes in local circumstances and regulatory revisions to the Coastal Act of 1976, and align development policies with implementing actions.

Within this context, the City hereby resubmits its Local Coastal Program, as amended. Specifically, the City seeks three (3) separate, yet concurrent actions from the Coastal Commission as follows:

(1) Approval of minor amendments to the certified Land Use Plan;

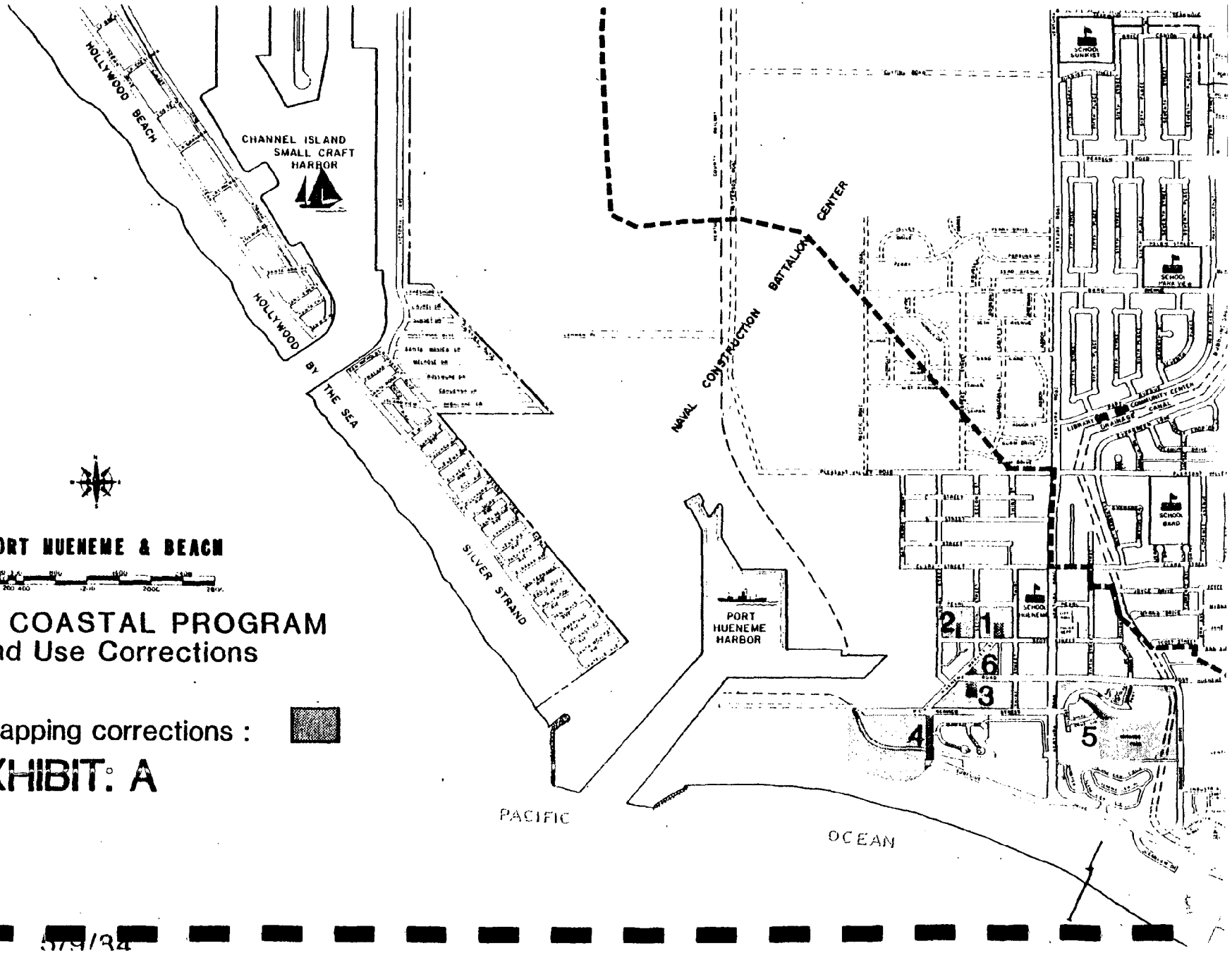
(2) Certification of LCP Implementing Actions, as revised; and

(3) Approval and incorporation of specified categorical exclusions pursuant to Title 14, Section 13542(e) of the California Administrative Code.

For your convenience, amendments to the text of the certified Land Use Plan are highlited by a single asterisk (*) in the right-hand column of those pages wherein changes are proposed. Revisions proposed to the original version of LCP Implementing Actions, as submitted to the Coastal Commission in August of 1982, are likewise denoted by single asterisks. Words and phrases offset within brackets [ ] are to be eliminated, whereas language which is underlined is to be added. Proposed categorical exclusions are denoted by a double asterisk (**) in the right-hand column of Pages 156, 157 and 158 within Section II of the LCP (Zoning). Revisions in text denoted by a triple asterick (***) consitute changes resulting from public review and comment.

As to the certified Land Use Map, the City proposes that six (6) corrections be made. As referenced in Exhibit "A" accompanying this memorandum, Revision Nos. 1, 2 and 3 are nothing more than adjustments in graphic patterns to coincide more precisely with parcel boundaries. Revision No. 4 is merely a mapping correction to show Surfside Drive as a public right-of-way. Likewise, Revision No. 5 reflects the actual location of dedicated access to Moranda Park. Finally, Revision No. 6 corrects a previous error, redesignating the Port Hueneme Museum from "Commercial and Vistor-Serving" to "Public Facilities". Similar adjustments are proposed to the City's Zoning Map as referenced in Exhibit "B" attached hereto.

TEF/bjn

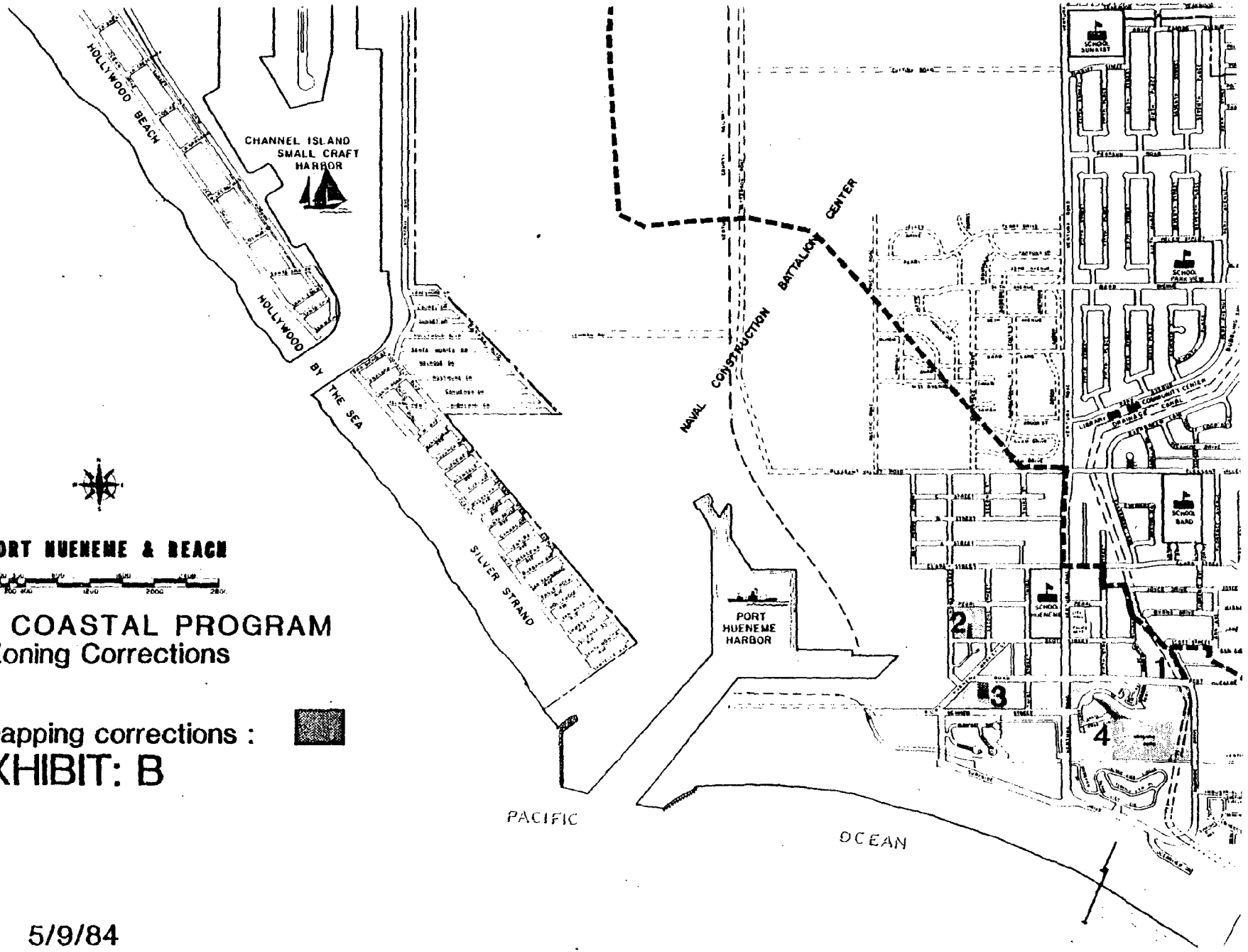


PORT HUENEME & BEACH

LOCAL COASTAL PROGRAM
Land Use Corrections

area of mapping corrections :

EXHIBIT: A



PORT HUENEME & BEACH

LOCAL COASTAL PROGRAM
Zoning Corrections

area of mapping corrections :

EXHIBIT: B

5/9/84

Legislative Declaration:

"That the California coastal zone is a distinct and valuable natural resource of vital and enduring interest to all the people and exists as a delicately balanced ecosystem.

That the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation.

That to promote the public safety, health, and welfare, and to protect public and private property, wildlife, marine fisheries, and other ocean resources, and the natural environment, it is necessary to protect the ecological balance of the coastal zone and prevent its deterioration and destruction."

California Coastal Act of 1976

CITY COUNCIL	Dorill B. Wright, Mayor Harold E. Wade, Mayor Pro tempore Dean Green Kenneth M. Hess Orvene S. Carpenter
PLANNING COMMISSION	Jeffrey Kosowitz, Chairman Howard Milder Cleone M. Spencer, Secretary Donald Jennings Gary Songer
CITY MANAGER	John R. Velthoen
DIRECTOR OF PUBLIC WORKS	John J. Duffy
DIRECTOR OF COMMUNITY DEVELOPMENT/CITY ATTORNEY	James F. Rupp, Jr.
CITY PLANNER	Thomas E. Figg
DIRECTOR OF FINANCE	James M. Hanks
CITY CLERK	Karen B. Jackson
CHIEF OF POLICE	Robert A. Anderson
LOCAL COASTAL PROGRAM AUTHORS	Beland/Associates, Inc. 548 South Spring Street, Suite 605 Los Angeles, California 90013 Department of Community Development 250 North Ventura Road Port Hueneme, California 93041

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Section I

Local Coastal Program

INTRODUCTION

What is the Local Coastal Program?

The Local Coastal Program (also called the LCP) is a planning document prepared by cities and counties with shoreline areas within their boundaries, in response to the California Coastal Act of 1976. The Coastal Act is legislation intended to ensure that coastal areas of California are developed in a manner responsive to public objectives. The Act establishes these objectives as Coastal policies, and provides guidelines for municipal and county governments to reevaluate their existing coastal area planning and zoning concepts to determine consistency with the Act.

The California Coastal Act of 1976 declares that:

> "to achieve maximum responsiveness to local conditions, accountability and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement"

in carrying out the state's coastal objectives and policies. To this end, the Act directs each local government lying wholly or partly within the coastal zone to prepare a Local Coastal Program (LCP) for its portion of the coastal zone.

An LCP consists of:

> "a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps, and (d) within sensitive coastal resources, other implementing actions which, when taken together, meet the requirements of, and implement the provisions and policies of the Coastal Act at the local level."

The land use plan, the heart of the LCP, is defined as:

> "the relevant portions of a local government's general plan, or local coastal element, which are sufficiently detailed to indicate the kinds, location, and intensity of land uses, the applicable resource protection and development policies, and where necessary, a listing of implementing actions."

What Does This Have to do With Port Hueneme?

Much of the City of Port Hueneme is within the Coastal Zone, as shown in Figure 1. [This document, the Local Coastal Program, is an amendment to the City's General Plan, covering the area shown in Figure 1.] This document, the Local Coastal Program, prescribes the policies and procedures governing use and development of land within the Coastal Zone of Port Hueneme. For this Coastal area, the LCP becomes the primary planning document, and takes precedence over prior planning and zoning [for this area].

How is the LCP Developed?

The California Coastal Commission has published a Local Coastal Program Manual, describing in detail the steps to be completed for completion of the LCP. Each step of the process is reviewed by Coastal Commission staff to ensure that the local government is proceeding properly.

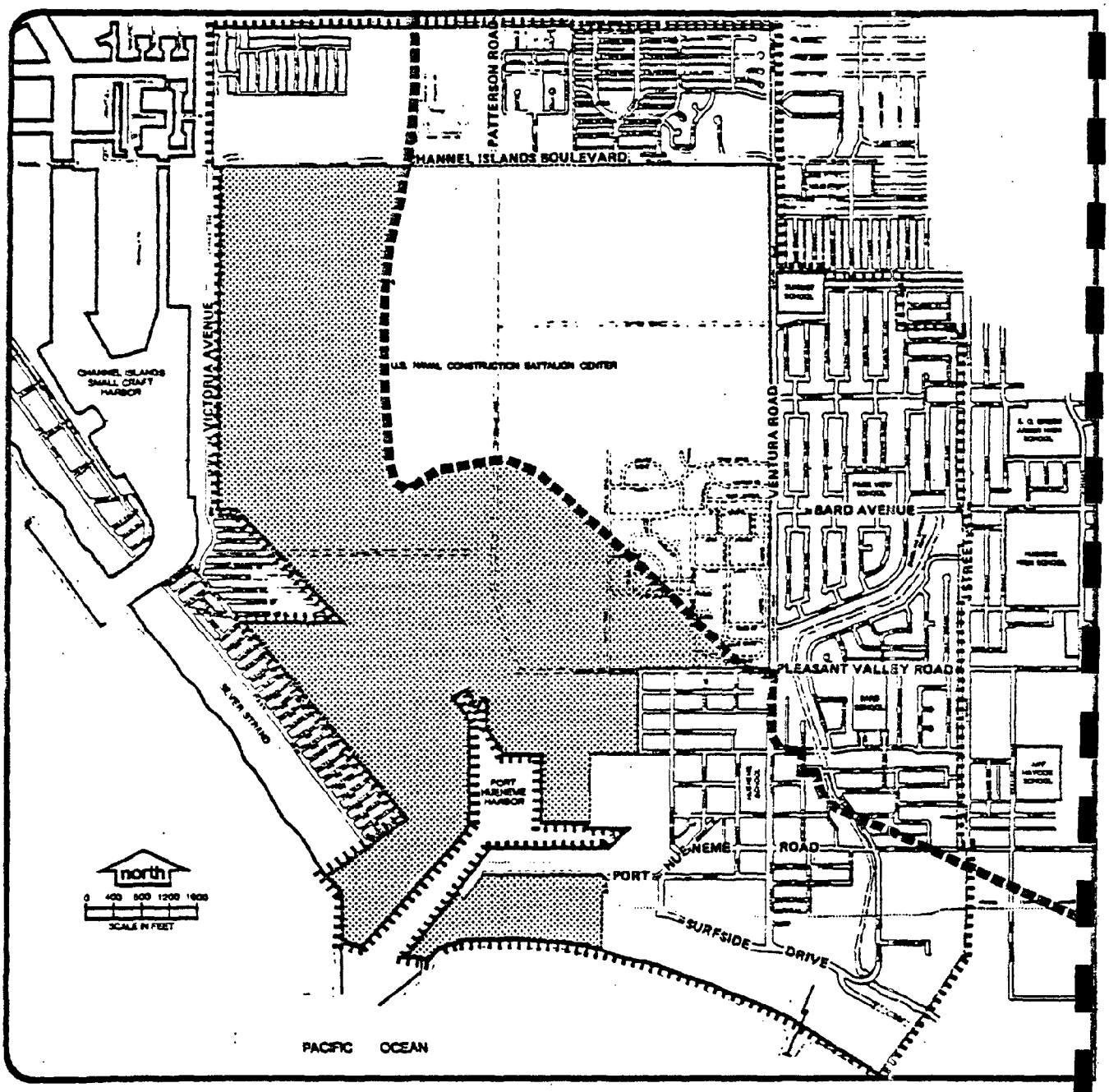
During the time that the LCP is being prepared, the local government cannot unilaterally approve development projects within the Coastal Zone. Until the end of the LCP certification process, the Coastal Commission retains primary responsibility and jurisdiction over the issuance of development permits for projects which are consistant with Coastal Act policies. Once the LCP has been certified, the ability to approve development projects within the coastal zone reverts to the local agency, subject to the finding that the project is consistent with the LCP.

Development of the LCP is undertaken with funding from the State Office of Planning and Research, not with local property tax money. Each city preparing a Local Coastal Program receives a budget allocation from the State for completion of its LCP. This is in keeping with State legislation which directs the State ot reimburse each local agency for the full cost of any program mandated by State laws passed after January 1, 1973.

What is the Process in Port Hueneme?

Initially, it was thought that preparation of the City's Local Coastal Program [has been] would be greatly simplified by the fact that Port Hueneme completed a General Plan review and update in April, 1977. That plan [is] serves as the keystone of a comprehensive Community Development Action Program, one of whose major policies is the "creative utilization and preservation of the City's natural assets, which include its beach and

Figure 1
CITY OF PORT HUENEME COASTAL ZON



Beland/Associates, Inc.

Coastal Zone Boundary

City Limit

Federal Lands (excluded from LCP Jurisdiction)

harbor orientation." As a result, the General Plan recommendations [are] were deemed to be fundamentally consistent with the letter--and more importantly with the spirit--of the Coastal Act of 1976. [Through the Issue Identification and Work Program development portions of the LCP process,] Early on in the LCP's development, it was confirmed that Port Hueneme's General Plan [has] had no direct conflict with Coastal policies, only a need to add greater detail concerning land uses, development policies and implementation action.

[The fit between] The degree of compatibility of the existing General Plan [and] with that of mandated Coastal Act policies is [so close that Port Hueneme's Work Program leading to LCP preparation was short. The brevity of the Work Program has not precluded public participation in LCP development, nor has it slighted consultation with other affected agencies.] exemplified by the brevity of the Issue Identification and Work Program phases of the LCP process which required less than 18 months to complete. In marked contrast, nearly four years have been consumed in the course of obtaining LCP certification from the Coastal Commission. As such, public participation in the LCP process is unprecedented by any prior planning effort undertaken in Port Hueneme.

Prior to preparation of the City's initial LCP, a town hall meeting was conducted on March 1, 1979, to receive public testimony on two Working Papers which were published and circulated weeks in advance of the meeting. Two public hearings were subsequently held during June, 1979, at which time the draft LCP was considered for local certification. Shortly thereafter, the LCP was filed with the South Central Coast Regional Commission (SCCRC) which scheduled the matter for public hearing on December 15, 1979, and January 26, 1980. In spite of a majority vote in favor of the City's LCP, the Regional Coastal Commission ultimately rejected Port Hueneme's submittal. Consequently, the City's LCP was redrafted and subsequently reheard in joint session before the City Council and Planning Commission on September 10, 1980, and again before the City Council in public hearing on November 12, 1980.

Following Regional Commission approval in December of 1980, the LCP was submitted to the

State for final certification. Although the land use plan was found to be in substantial compliance with the Coastal Act, the State Commission denied certification for the lack of adequate housing policies. Shortly thereafter, legislation was enacted which prempted the Coastal Commission with regard to this issue. Accordingly, the LCP was again redrafted and reheard by the Planning Commission and City Council during the first six months of 1982. Following local adoption on July 14, 1982, the revised LCP was filed with the State Coastal Commission for reconsideration.

Although the Land Use Plan was effectively certified on February 9, 1983, further revision of the LCP was required to fully align development policies with implementing actions. As such, additional public hearings were conducted by the Planning Commission and City Council in April of the following year, at the conclusion of which the revised LCP was resubmitted to the State Coastal Commission. The entire LCP was ultimately certified on (date to be determined).

As required by law, notices advertising the availability of all pertinent LCP documents as well as public hearings conducted pursuant thereto [were] have been distributed to all persons, special districts, and public agencies known to be interested in the matter. Likewise, display advertisements [were] have been published in newspapers of general circulation ten days in advance of all public hearings conducted on the LCP.

What is the Relationship Between the LCP and the General Plan and Other Planning Programs for the Coastal Area?

Put simply, the Local Coastal Program constitutes a refinement of the land use policies and implementing instruments of Port Hueneme's Community Development Action Program (CDAP) as they pertain to development of areas within the Coastal Zone. As the primary components of the CDAP, Port Hueneme's General Plan and Central Community Project Redevelopment Plan collectively serve as the foundation upon which the LCP Land Use Plan is based. [Once the certification is gained from the Coastal Commission, applicable provisions of the City's General Plan and CCP Redevelopment Plan will be revised so as to conform with and incorporate policies of the certified LCP.]

Secondary CDAP components which[, by their incorporation herein,] serve [as an integral part of this] to implement the LCP include: *

- Ventura West Specific Area Plan (Appendix A)
- Neighborhood Preservation Program (Appendix B)
- Hueneme Beach Master Plan (Appendix C)
- Neighborhood Strategy Area Urban Design Study (Appendix D)

What is the Relationship Between the LCP and the Oxnard Harbor District Master Plan for the Port of Hueneme?

The Coastal Act contains special provisions governing the ports of Port Hueneme, Long Beach and Los Angeles, and the San Diego Unified Port District. These ports must prepare, adopt, and have certified by the Coastal Commission a Port Master Plan. The Coastal Act provides that:

> "...for information purposes, each city, county, or city and county which has a port within its jurisdiction shall incorporate the certified port master plan into its local coastal program."

The Port Master Plan certified in May, 1979, by the Coastal Commission covers only the area within the boundaries of the Port of Hueneme itself. This certified Master Plan is hereby incorporated by reference for information purposes into the City of Port Hueneme Local Coastal Program. The Final Master Plan document approved by the District Board of Commissioners, however, includes land use recommendations for areas outside of the existing boundaries of the Port. Although the City has no objection to the Plan as certified for the area within the Port, land use designations for a number of areas outside the current Port boundaries are not consistent with adopted City plans and policies. By decision of the Attorney General, areas outside the current boundaries of the Port of Hueneme are covered by the City of Port Hueneme Local Coastal Program; plans for these areas are to be certified as a part of this LCP.

Two means of resolving issues between the City and the Harbor District concerning land use planning for areas of mutual concern are being

undertaken. The City and the Harbor District have executed a Cooperative Planning Agreement which provides for consultation and cooperation on planning for areas in and around the Port of Hueneme. The text of this agreement is included in Appendix E. The City and District have also jointly applied and received approval for a Coastal Energy Impact Program (CEIP) grant to examine means of resolving some of the more difficult land planning issues of immediate concern. The study which was subsequently produced is contained in Appendix F, pertinent findings of which are discussed in appropriate sections of the LCP Land Use Plan.

COASTAL POLICIES

The Local Coastal Program for the City of Port Hueneme must conform to the policies of the California Coastal Act of 1976. These policies have been organized into 14 groups, as shown in the left-hand column below.

- Shoreline Access
- Recreation and Visitor-Serving Facilities
- Housing
- Water and Marine Resources
- Diking, Dredging, Filling and Shoreline Structures
- Commercial Fishing and Recreational Boating
- Environmentally Sensitive Habitat Areas
- Agriculture
- Hazard Areas
- Forestry/Soils Resources
- Locating and Planning New Development
- Coastal Visual Resources and Special Communities
- Public Works
- Industrial and Energy Development

Of these 14 policy groups, four (Environmentally Sensitive Habitat Areas, Hazard Areas, Forestry/Soils Resources, and Diking, Dredging, Filling and Shoreline Structures)[1] are not relevant to the City of Port Hueneme. Of the remaining 10, four are of lesser concern. These are:

- Housing
- Water and Marine Resources
- Locating and Planning New Development
- Coastal Visual Resources and Special Communities

The South Central Coast Regional Commission has indicated that one policy group (Commercial Fishing and Recreational Boating) is the responsibility of the Oxnard Harbor District. This topic is addressed in the Master Plan for the Port of Hueneme. However, to the extent that support facilities for these fishing activities affect other policy groups with which the City is concerned (especially Shoreline Access and Recreation and Visitor-Serving Facilities), this policy group is also covered by the City's LCP.

The remaining five policy groups are the primary focus of the City's LCP, as confirmed by the City's approved LCP Work Program. These groups are shown in the left-hand column below:

- Shoreline Access
- Recreation and Visitor-Serving Facilities
- Agriculture
- Public Works
- Industrial and Energy Development

[1] Sand pumping from the mouth of Port Hueneme Harbor is related to military requirements of the Naval Construction Battalion Center, and therefore exempt from the Coastal Act. Existing seawalls provide erosion protection. No new seawalls are proposed.

The following sections briefly summarize applicable Coastal Act policies concerning these five policy groups.[1]

SHORELINE ACCESS 30210 30211	Maximum access and recreational opportunities shall be provided for all the people, consistent with public safety needs and the need to protect public rights, rights of private property owners and natural resource areas from overuse. Development shall not interfere with the public's right of access to the sea.
RECREATION AND VISITOR-SERVING FACILITIES 30212.5 30213 30220	Wherever appropriate and feasible, public facilities, including parking, shall be distributed throughout an area to mitigate against the impacts of overuse of any single area. Lower-cost visitor and recreational facilities shall be protected, encouraged and where feasible, provided. Developments providing public recreational opportunities are preferred. Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.
30211	Oceanfront land suitable for recreational use shall be protected for recreational use and development, unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.
30222	The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.
AGRICULTURE 30241	The maximum amount of prime agricultural land shall be maintained in production, and conflicts between agricultural and urban land uses shall be minimized. Stable boundaries shall be established separating urban and rural areas. Conversion of agricultural lands

[1]These descriptions are excerpted from the Local Coastal Program Manual published by the California Coastal Commission. (Numerical references in [parenthesis] the left-hand column above indicate relevant paragraphs of the Coastal Act.)

shall be limited to areas where the viability of existing agricultural use is already severely limited by conflicts with urban uses, and where the conversion would complete a logical and viable neighborhood and contribute to the establishment of a stable limit to urban development.

PUBLIC WORKS

30254

New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division of the Coastal Act. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal-dependent land use, essential public services and basic industries vital to the economic health of the region, state or nation, public recreation, commercial recreation and visitor-serving land uses shall not be precluded by other development.

INDUSTRIAL DEVELOPMENT AND ENERGY FACILITIES

30255
30260

Coastal-dependent developments shall have priority over other developments on or near the shoreline. Coastal-dependent industrial facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth where consistent with this division of the Coastal Act.

30101

The Coastal Act defines "coastal-dependent development or use" as:

> "any development or use which requires a site on, or adjacent to, the sea to be able to function at all."

Given this definition of "coastal-dependent", "coastal-dependent industry" is therefore industrial development which requires water adjacency.

EXISTING CONDITIONS

In order to analyze potential uses for lands within the Coastal Zone, existing conditions in the City were examined, with a particular emphasis on changes occurring since preparation of the General Plan. To facilitate this analysis, the City's Coastal Zone was divided into 11 sub-areas, which are shown in Figure 2. These areas are briefly described in the sections which follow.

AREA A: HUENEME BEACH PARK

68 Acres Approximately

Existing Lane Use:
. Recreation

General Plan Land Use
. Parks, Open Space

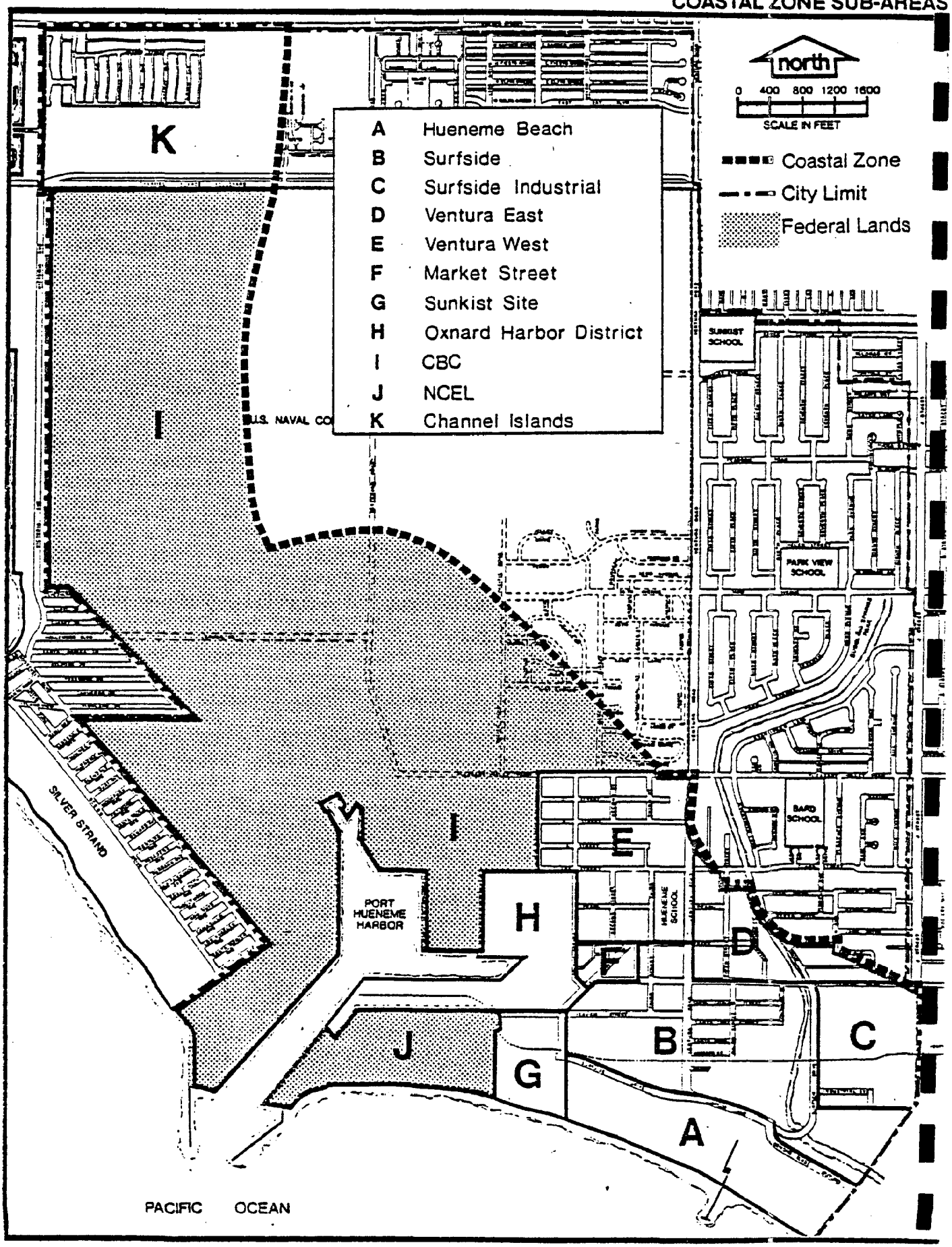
Area A is entirely in public (City of Port Hueneme) ownership. There is no development except for beach-related structures (pier, concession stands, restrooms) and public parking lots. The beach is a recreational resource of regional importance, attracting visitors from all parts of Ventura County as well as from neighboring Los Angeles.

A comprehensive Hueneme Beach Master Plan has been prepared, covering projected improvements to the facility over a five-to ten-year period. [Plans for improvement in the near future are] Recently completed improvements include the lowering of the main beach parking area (to increase water visibility from Surfside Drive) , enhancement of the existing pier by development of a plaza area at its base (including concession-area, thematic play area and additional pieces of children's play equipment), and the addition of facilities at the eastern edge of Hueneme Beach Park (including picnic areas, open turf play area, playground equipment and additional parking). In conjunction with these improvements, a mini park on the north side of Surfside Drive (in the area where the pedestrian overcrossing of the Ventura County Railway tracks is located) [is now being] has been developed.[1] Key to these improvements to beach facilities is implementation of a sand replenishment program to prevent beach erosion caused by the jetty at the mouth of the Port.[2]

[1]These improvements to Hueneme Beach Park have been approved by the South Central Coast Regional Commission under Development Permit 179-33.

[2]This program is conducted by the Army Corp of Engineers and is exempt from Coastal Commission review.

Figure 2
COASTAL ZONE SUB-AREAS



The Beach Master Plan also includes improvements to be undertaken at a later date. These include development of a park and vista point at the entrance to the harbor, connected to the main portion of Hueneme Beach Park by an extension of Surfside Drive and by a meandering promenade.

These improvements require the consent of the Navy, (whose Civil Engineering Laboratory (NCEL) is located in the area) or the excessing of the NCEL.[1] Also included in future plans for Hueneme Beach [are enhancement of the existing pier by development of a plaza area at its base, including concession area, thematic play area and additional pieces of children's play equipment.] is enhancement of the park's westerly end along Surfside Drive to compliment and interconnect the pier/plaza area. *

AREA B: SURFSIDE

90 Acres

Existing Land Use:
- Residential
- Vacant
- Park

General Plan Land Use:
- Residential
- Commercial
- Park
- Public Facilities

Surfside is the beachfront residential area. Major existing residential development in the area consists of recently built high- and medium-density condominiums (approximately 12-25 dwelling units per acre) and a City-owned 90-unit below market-rent garden apartment complex (Seaview Apartments).

The area also contains the headquarters of the local VFW Chapter, Moranda Park, a community recreation facility, and Bubbling Springs Linear Park. [now nearing completion.] *

[Improvements to Moranda Park to be undertaken in the near future are not related to additional facilities, but deal instead with enhancement of access opportunities to new public and private developments being undertaken in the area.] Recent improvements to Moranda Park have greatly enhanced access to and from adjacent public and private developments. In addition, integration of the park with the surrounding area has been vastly improved by the realignment of the entrance from Port Hueneme Road and landscape/open space treatment of the southwest corner of Surfside Drive and Port Hueneme Road. * *

Bubbling Springs Linear Park was formerly a drainage channel. Improvements have been undertaken to convert it into a recreational

[1] These improvements are not proposed for certification as a part of this LCP, and are only proposed if a change in status occurs at the NCEL.

corridor, linking Richard Bard Bubbling Springs Park (outside the Coastal Zone) with Moranda Park and Hueneme Beach Park.[1]

So as to integrate the VFW property with that of improvements both to Bubbling Springs Linear Park and Moranda Park, a general upgrading of Post #3935 is proposed as part of the City's Neighborhood Strategy Area Urban Design Study (see Appendix "D").

In September, 1978, the City's Redevelopment Agency was granted a coastal development permit (179-33) for construction of a large development project, Surfside Village, within the Surfside area. This development will consist of 277 condominium units, 84 single-family residences, 45 townhouse units, a 5,000 square foot community center, and a neighborhood commercial center of 80,000 square feet.[2] The permit for development of Surfside Village was granted in tandem with a program for revitalization of the Ventura West (Area E) residential area. Construction of Surfside Village commenced in February of 1979.

AREA C: SURFSIDE INDUSTRIAL

40 Acres

Existing Land Use:
- Industrial
- Vacant

General Plan Land Use:
- Light Industrial

Area C contains industrial uses (auto salvage, general industrial, mini-storage) and a vacant parcel of approximately 12 acres. Existing General Plan land use and zoning designate the area for light industrial use; for example, light manufacturing and assembly, wholesaling and warehousing, utilities, and limited processing (blueprinting, carpet/rug cleaning, chemical or scientific laboratory).

AREA D: VENTURA EAST

30 Acres

Existing Land Use:
- Residential
- Commercial
- Public Facilities
- Park

Area D is predominately developed, consisting principally of residential uses of various housing types and densities. Ventura East also contains the Port Hueneme Civic Center, an elementary school and a small number of commercial uses along Port Hueneme and Ventura Roads. The Bubbling Springs Linear Park passes through Area D.

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[1] Improvements to Bubbling Springs Linear Park were approved by the South Coast Regional Commission under Development Permit 137-02.

[2] Indicated number of units and square footage of commercial area and community center are approximate. All development within Surfside Village must conform with the coastal development application and conditions of approval granted pursuant to Permit 179-33.

General Plan Land Use:
- Residential
- Commercial
- Public Facilities
- Parks, Open Space

Based upon data obtained from a site and structural survey undertaken in October, 1978, nearly 20 percent of the total housing within Ventura East was found to be structurally deficient. These conditions are exacerbated by a high incidence of deferred property maintenance, over half of all residential parcels exhibiting one or more characteristics of visutal blight. Within this context, Ventura East has been classified as a "declining" neighborhood wherein a comprehensive program of housing rehabilitation assistance, fair housing service, and code enforcement has been initiated under the City's federal funded Community Development Block Grant Program (see Appendix B - Neighborhood Preservation Program).

In support of revitalization efforts in both Ventura East and Ventura West (Areas D and E, respectively), the City has recently undertaken an Urban Design Study of selected residential neighborhoods collectively known as the City's Neighborhood Strategy Area. Following a series of public meetings, a capital improvements program was adopted by the City Council governing the construction of miscellaneous recreational and street scene improvements over time as federal Community Development Block Grant funds are made available. (see Appendix D - Neighborhood Strategy Area Urban Design Study). Specific projects [proposed for construction] targeted within Ventura East and Ventura West include: *

- Perimeter landscape improvements at Hueneme and Bard Elementary Schools (Completed August, 1982) *
- Street scene improvements along Ventura Road at the intersection of Clara, Scott and Pearl Streets (Completed August, 1982) *
- Curb, gutter and sidewalk improvements throughout Ventura West (Completed June, 1983) *
- Exterior upgrading of the Willowbrook public housing project
- Street tree planting along selected interior residential right-of-ways

That portion of Ventura East which faces Port Hueneme Road also contains a number of commercial establishments which may be considered "recreation and visitor-serving facilities." These establishments include two motels and several retail businesses, whose clientele at present consists more of local residents and business-related (Navy) visitors rather than visitors oriented toward the beach and Port. However, the proximity of this area to Hueneme Beach Park suggests that these establishments do cater to beach visitors, especially in summer. As a counterpart to the City's housing conservation effort, all commercial properties within Ventura East have been targeted [to receive rehabilitation assistance under the Neighborhood Preservation Program.] for revitalization through the Community Development Block Grant Program.

AREA E: VENTURA WEST

77 Acres

Existing Land Use:
- Residential
- Commercial
- Public Facilities

General Plan Land Use:
- Residential
- Commercial
- Public Facilities

Ventura West is primarily a residential area, with a mix of single-family (5,000 square foot lot average) and multi-family units. Commercial development (motel, body shop, cocktail lounges, restaurants, junior market) is concentrated along Pleasant Valley Road at the north end of the area. Also located within Area E are an elementary school, fire station, residential care facility, hospital, pharmacy and medical offices. Area E also contains Mar Vista, a 60-unit assisted housing senior citizens residence. Another 90-unit senior citizens residence, Casa Pacifica, [been approved for] has recently been developed within Ventura West.

Ventura West is by far the most impacted of all neighborhoods in the City. The area is characterized by a mixture of incompatible and inefficient land uses, over 60 percent of the total residential dwellings being multiple-family developed on substandard sized lots. Existing single-family homes are showing pronounced signs of disrepair due largely to their age, original quality of construction, financial limitations of current owners, and existing multi-family zoning. Overall, nearly 60 percent of the total housing within Ventura West is deemed to be substandard, 70 units of which are considered unsuitable for rehabilitation.

Within this context, Ventura West has been classified as a "deteriorated" neighborhood for which a Specific Area Plan has been prepared and adopted governing the scope of

revitalization proposed therein. With the overall objective being the maintenance of this neighborhood as a source of low and moderate income housing, specific actions proposed as part of the Ventura West Specific Area Plan include:

- Redevelopment, housing rehabilitation, code enforcement and selective site clearance and acquisition [under the City's Neighborhood Preservation Program.] to effectuate neighborhood revitalization. *

- Downzoning communsurate with the predominance of single-family residences, proximity to major thoroughfares and dwelling units suitable for rehabilitation.

- Realignment of interior streets to reinforce "a sense of place" and neighborhood character.

- Widening and improvement of Pleasant Valley Road and Ponoma Street to improve peripheral circulation and access to the Port of Hueneme and USNCBC.

By virtue of the deliapidated conditions prevalent within the "ABC" Street portion of Ventura West (four block area located westerly of Ponomas Street between Pleasant Valley Road and Clara Street) together with its proximity to the USNCBC and Port of Hueneme, the City has long maintained a "Harbor-Related" land use designation for this area. As one of several tasks included within the scope of the joint Onxnard Harbor District/City Coastal Energy Impact Program Study, the "ABC" area was examined in detail relative to the potential of redeveloping the same for immediate industrial reuse. For a variety of reasons, it was concluded that such an endeavor, at least for the near term, would not be economically feasible; hence, its preclusion from the LCP Land Use Plan.

AREA F: MARKET STREET

8 Acres

Existing Land Use:
- Commercial

Market Street is the remaining commercial nucleus of Port Hueneme's former downtown. The area is zoned for general commercial use and contains a variety of small retail shops, the Hueneme Bank building (an historical landmark and home of the Chamber of Commerce and

General Plan Land Use:
. Harbor-Related/Special

Port Hueneme Museum); and a number of vacant parcels. Under the current General Plan, the area is designated for "harbor-related/special" use under an urban design concept known as "Market Street Landing". Fundamental to the Market Street Landing concept is the visual and physical linkage of this area to that of the Port of Hueneme. Toward this end, it had originally been proposed that a speciality retail boardwalk area be developed around a shallow-draft extension of the commercial harbor. However, in response to concerns expressed by the Oxnard Harbor District relative to this concept, the interface of Market Street with that of the commercial harbor was designated for further study in conjunction with the joint OHD/City Coastal Energy Impact Program. Unfortunately, this portion of the CEIP study was not completed; hence, resolution of the issue was never achieved. What findings were made alluded to the need and desire to accommodate harbor-related offices in areas proximate to the Port of Hueneme, Market Street included.

AREA G: SUNKIST SITE

11 Acres, approximately

Existing Land Use:
. Temporary Storage

General Plan Land Use:
. Harbor-Related
. Parks/Open Space

The Sunkist Site is so named because of an old citrus packing plant, which occupied the site until it was destroyed by fire in 1977. The site is a designated County historical landmark since it was the location of the original Port Hueneme Wharf. (The warehouse itself was not related to the historical designation.) The site is divided by [the right-of-way of] a strip of land, paralleling Port Hueneme Road occupied by railroad tracts serving the Ventura County Railroad (VCRR). The railroad was formerly used to bring citrus from farms in the surrounding area to the packing plant for eventual export. Use of the VCRR for this purpose has declined greatly (citrus is now brought to the Port primarily by truck). A significant portion of the freight now consists of products related to off-shore drilling activities (e.g., pipe, tubing, bulk mud and cement). Lumber is also carried. **

Of the approximately 11.4 acres contained in the site, 6.6 acres lie north of the railway; and approximately 4.18 acres are to the south. A total of 10.5 of the 11.4 acres lies north of an existing seawall; the size of that portion below the wall fluctuates with the sand pumping cycle from Channel Islands Harbor.

The City's General Plan designates the northernmost portion of the site as suitable for harbor-related (but unspecified) use, with the southern area designated for parks and open space use. It has been the City's intention to tie future development of the Sunkist site to the Market Street Landing concept. Although the beach area below the seawall is privately held as part of the Sunkist parcel, public access is easily and frequently obtained by climbing the riprap and/or by walking across the beach from Hueneme Beach Park to the east. The Beach Master Plan meandering promenade passes through the lower portion of the Sunkist site.

AREA H: PORT OF HUENEME/ OXNARD HARBOR DISTRICT

50 Acres

Area H is the commercial/industrial port area of Port Hueneme, under the jurisdiction of the Oxnard Harbor District. The Port is a facility of statewide significance, being the only deep water harbor between Los Angeles and San Francisco.

Existing Land Use:
. Harbor-Related

General Plan Land Use:
. Harbor-Related

The Oxnard Harbor District has a certified Port Master Plan for the area within its jurisdiction. The City and the District have concluded a Cooperative Planning Agreement, which will provide an organized means of exchanging information about proposed developments in and near the harbor.

The District does contain one important recreation and visitor-serving facility whose future is of concern to the City. Hueneme Sportfishing is a commercial enterprise with five boats available either for individuals on scheduled departures or for charter by fishing parties.

AREA I: NAVAL CONSTRUCTION BATTALION CENTER (CBC)

815 Acres

The CBC controls the remainder of the harbor area. Federal facilities such as the CBC are exempt from the LCP.

AREA J: NAVAL CIVIL ENGINEERING LABORATORY (NECL)

35 Acres

Like the CBC, the NCEL is exempt from the Local Coastal Program.

AREA K: CHANNEL ISLANDS

160 Acres

This area has been rapidly developing as a medium-density, middle-income, multi-family residential area. Units in Area K are

Existing Land Use:
- Commercial
- Residential
- Agricultural

General Plan Land Use:
- Commercial
- Residential
- Parks/Open Space

generally [five] ten years old or less. New commercial development (office, neighborhood commercial, speciality retail) is located along Channel Islands Boulevard.

That portion of Channel Islands not yet developed residentially or commercially is still in agricultural use. The agricultural area consists of approximately 50 acres in a single ownership. The land is devoted to growing of cabbage and other truck crops.

This remaining agricultural area is surrounded on all sides by urbanized uses, the urban limit line having moved past this area approximately five years ago. The area under cultivation was formerly much larger, encompassing most of what is now the residential and commercial areas. (Portions of farmland have been progressively sold off for commercial and residential sites.) The ensuing encroachment of commercial and residential development on the remaining agricultural portion of Area K has resulted in continuing problems for the property owner. Pilferage of crops, damage and vandalism of equipment have increased in frequency in the last few years. Because the agricultural area is entirely surrounded, opportunities for buffering the farmland to reduce these problems are not readily available without removing a significant portion of the land from production.

The General Plan calls for the building out of medium-density residential development (8-15 units per acre) and creation of a community park to serve the area. The General Plan medium-density residential designation was believed to be consistent with the density of existing development in the area. However, further analysis has shown that currently developed multi-family units are slightly above 15 units per acre in density.

LOCAL COASTAL LAND USE PLAN

GOALS AND OBJECTIVES

The planning process for development of the 1977 General Plan for the City of Port Hueneme devoted a great deal of attention to development of consensus among citizens, staff and the consultant team on a set of goals and objectives to guide the future development of the City. Because the General Plan was and is seen as the "blueprint" planning document for development of Port Hueneme, the establishment of obtainable goals specifically related to conditions in Port Hueneme, rather than generalized goals which might be considered objectives for any city, was considered essential. These goals as stated in the General Plan remain valid, and are the basis upon which the City's Local Coastal Program has been developed.

1. Development of a healthy diversity of land uses which will assure a strong and self-sustaining economic base for the City.

2. Creative utilization and preservation of the City's natural assets, which include its beach and harbor orientation.

3. Enhancement of the self-image of the City of Port Hueneme among its citizens and throughout the region.

4. Development of a larger housing stock with a broader range of choice for residents of the City.

5. Improvements of accessibility to the City from adjacent areas via implementation of planned arterial connections.

6. Increased efforts to cooperate with adjacent jurisdiction to ensure highest and best use of land within the jurisdiction and sphere of influence of the City of Port Hueneme.

To these fundamental General Plan goals, the Local Coastal Program adds the following objectives as shown in the left-hand column below:

1. To maximize public opportunities for coastal access and recreation in a manner which protects natural resource areas from overuse, maintains public safety needs and respects the rights of private property owners.

2. To protect, encourage and, where feasible, provide for increased recreational opportunities, including low and moderate cost facilities, within and adjacent to beach and harbor areas through both public and private development.

3. To accomodate expansion of the Port of Hueneme in a manner which is compatible with the policies and land use designations of this LCP.

4. To protect, encourage and, where feasible, provide expanded housing opportunities for persons of low and moderate income.

This is the most important section of the Local Coastal Program, because it establishes policies consistent with the Coastal Act to serve as guidelines for future development and redevelopment of the City's Coastal Zone. Table 1 is a master cross reference, showing the relationship of City General Plan goals and City-wide LCP objectives (presented above) to each geographic sub-area in the Coastal Zone. Table 1 also indicates the relevance of each of the 10 Coastal Act policy groups of concern to the City to individual geographic sub-areas within Port Hueneme.

The following sections define specific development policies for each Coastal sub-area, as well as land uses consistent with such policies.

TABLE 1: COASTAL ZONE LAND USE DEVELOPMENT POLICY MATRIX

CITY OF PORT HUENEME COASTAL ZONE SUB-AREA	RELATED GOALS & OBJECTIVES		COASTAL ZONE POLICY GROUP									
	General Plan Goals	Local Coastal Program Objectives	Shoreline Access	Coastal Dependent Industry	Recreation and Visitor-Serving Facilities	Public Works	Agriculture	Coastal Visual Resources	Commercial Fishing/ Recreational Boating	Locating New Development	Housing	Water & Marine Resources
A: Hueneme Beach	2,3	1,2	■		■	■		■				○
B: Surfside	1,2, 3,4	1,2	○		○	○		○		○	○	○
C: Surfside Industrial	1,6	3		■								
D: Ventura East -	3,4	1,4	□		□						■	○
E: Ventura West	3,4, 5,6	3,4		■		■					■	
F: Market Street	1,2 3,6	1,2, 3	■	■	■			■	■			
G: Sunkist Site	1,2, 3,6	1,2, 3	■	■	■			■				
H: Port of Hueneme	1,2, 5,6	1,2, 3	■	■	■			■	■			
I: CBC * J NCEL												
K: Channel Islands	1,3, 4	2,4			□		■			■	□	

*Naval facilities and all Federal lands are exempted from LCP jurisdiction.

MAJOR COASTAL ACT POLICY GROUP

■ PRIMARY LCP ISSUE

□ SECONDARY LCP ISSUE

○ COVERED IN EXISTING GENERAL PLAN OR PRIOR COASTAL DEVELOPMENT PERMIT

AREA A: HUENEME BEACH PARK

LCP Land Use:
- Parks/Open Space*

Related Documents:
- Beach Master Plan
- Development Permit 179-33

Development Policies

The Hueneme Beach Master Plan is the product of a two-year planning effort which began in conjunction with redevelopment of the south-central portion of the City's Central Community Project. As adopted by the City Council in April, 1978, the Beach Master Plan establishes long-term priorities and design guidelines with respect to the programming capital improvements over an unspecified time frame. Accordingly, the Hueneme Beach Master Plan is hereby incorporated by reference into this LCP and shall heretofore serve as the City's formal policy framework within which all future actions in Area A must be consistent. Within this context, the following specific development policies shall apply:

Shoreline Access/Recreation and Visitor-Serving Facilities/Public Works

- Improvements to Hueneme Beach Park shall provide for the continued maintenance and public use of the beach and access to the ocean, which development shall be consistent with the Hueneme Beach Master Plan.

Shoreline Access

- Public nonvehicular access to Hueneme Beach Park shall be protected, maintained and, where feasible, expanded.

Coastal Visual Resources

- Because the viewshed at Hueneme Beach Park is an important public resource, improvements to the park shall not interfere with public enjoyment of views of the beach and ocean.

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* Asterisk indicates no change from existing General Plan.

AREA B: SURFSIDE

LCP Land Use:
- Residential
- Commercial
- Parks/Open Spaces
- Public Facilities

Related Documents
- Development Permit 179-33
- Development Permit 137-02
- Central Community Redevelopment Project

AREA C: SURFSIDE INDUSTRIAL

LCP Land Use:
- Coastal Related Industry

Related Documents
- Central Community Redevelopment Project

Development Policies

[The Surfside area is covered by Coastal Permit 179-33. Development in the Surfside area shall be consistent with that which has been presented in the Permit application, and shall be subject to the conditions as stated in the permit.] Implicit in the design of Surfside Village, together with the conditions of Coastal Commission approval, is compliance with applicable Coastal Act policies. Inasmuch as Coastal Permit 179-33 governs the undeveloped portions of Area B, land use policies applicable to the Surfside area shall be those set forth in the permit application and conditions of approval.

Developmental Policies

Due to its existing industrial character, low utilization, and direct road and rail access to the Port of Hueneme, the Surfside Industrial area has been identified as a potential location for accomodating harbor-related growth. This finding is reiterated in the Coastal Energy Impact Program Study which was jointly commissioned by the City and Oxnard Harbor District. Inasmuch as Area C lacks immediate water adjacency, coastal-dependent uses would be precluded from locating therein. Furthermore, pre-existing development within the Surfside Industrial area may not, in all cases, be condusive for subsequent conversion to harbor-related use. Hence, such development should not be precluded from continuing or being replaced by other than harbor-related uses. Within this context, therefore, the following specific development policies shall apply:

Coastal-Dependent Industry

- Due to the lack of immediate water adjacency, coastal-dependent uses shall be precluded from development within the Surfside Industrial area.

- Preference shall be given to development of coastal-related uses in remaining vacant land areas, which development shall not preclude pre-existing uses from continuing or being replaced by uses other than coastal-related.

[. Through the Cooperative Planning Agreement, the City of Port Hueneme and the Oxnard Harbor District shall coordinate future development in Area C.]

AREA D: VENTURA EAST

LCP Land Use:
- Commercial*
- Medium Density Residential

Related Documents
- Development Permit 137-02
- Centural Community Redevelopment Project
- Neighborhood Preservation Program
- NSA Urban Desing Study

Development Policies

Conditions prevalent within Ventura East presuppose a three-fold development strategy: (1) neighborhood stabilization via code enforcement and property maintenance incentives; (2) housing conservation via rehabilitation assistance and affirmative action with respect to fair housing practices; and (3) urban design improvements via commercial property rehabilitation and cosmetic street scene treatment. [Accordingly, corresponding elements of the City's Neighborhood Preservation Program and NSA Urban Design Study shall collectively serve as the overriding development strategy for Area D, which elements, by this reference, are incorporated herein.] Within this framework, the following specific development policies shall apply:

Shoreline Access

- New development in Ventura East shall not adversely affect the public nonvehicular beach access provided by Bubbling Springs Linear Park, and if possible, shall enhance it.

Recreation and Visitor-Serving Facilities

- Due to the lack of immediate water adjacency and/or proximity to water oriented activities, development of new recreational and visitor-serving facilities within Ventura East shall not be encouraged. New development, however, shall be prohibited from adversely affecting pre-existing recreational and visitor-serving uses, provided that such uses are not allowed to deteriorate into substandard or dangerous condition.

Housing

- Low and moderate income housing opportunities within Ventura East shall, where feasible, be protected,

maintained, and provided for in furtherance of neighborhood revitalization.

Water and Marine Resources

- The biological productivity of the Bubbling Springs Waterway and any adjoining habitat shall be protected, maintained and, where feasible, enhanced.

AREA E: VENTURA WEST

LCP Land Use:
- Residential
- Commercial
- Public Facilities
- Coastal-Related Industry

Development Policies

The Ventura West Specific Area Plan is the product of an intensive six-month planning study conducted subsequent to adoption of amended General and Redevelopment Plans in April, 1977. As adopted by the City Council in February, 1978, the Specific Area Plan delineates [the precise scope and nature of conservation and development to be employed for the revitalization of Ventura West. Fundamental to the implementation of the Specific Area Plan is the Neighborhood Preservation Program and, to a somewhat lesser extent, the NSA Urban Design Improvements Program.] a three-fold revitalization strategy: (1) redevelopment via selective site acquisition and clearance to facilitate elimination of dilapidated conditions, provision of sites for development of low and moderate income housing, and promotion of long-term economic development objectives; (2) neighborhood stabilization via code enforcement and urban design improvements to facilitate elimination of blight and blighting influences, and stimulation of private reinvestment; and (3) housing conservation via rehabilitation assistance and property maintenance incentives to facilitate eradication of substandard housing conditions, provision of expanded housing opportunities for persons of low and moderate income, and institution of community pride and neighborhood cohesion.

Collectively, these action plans and programs shall serve as the overriding development strategy for Area E. [which plans and programs, by this reference, are hereby incorporated in to the LCP.] Within this context, the Ventura West Specific Area Plan is hereby incorporated by reference into this LCP and shall heretofor serve as the City's

Related Documents:

- Ventura West Specific Area Plan
- Development Permit 179-33
- Central Community Redevelopment Project
- Cooperative Planning Agreement
- Coastal Energy Impact Program
- Neighborhood Preservation Program
- NSA Urban Design Study

formal policy framework within which all future actions in Area E must be consistent.

As to the "ABC" area of Ventura West, the immediate conversion of residential to harbor-related use through redevelopment has been ruled out as a viable near-term option. However, in keeping with the City's long-term desire to accomplish the same, it is proposed that such transition be encouraged through private development action gradually over time. In this respect, a two-fold development strategy is suggested: (1) designation of the "ABC" area as "Coastal-Related Industry" for purposes of long-term LCP land use; and (2) establishment of a "transitional" zoning classification which provides for the simultaneous development and coexistance of residential and harbor-related uses under specific performance criteria.

Within this context, the following specific development policies shall apply:

Housing

- Development within Ventura West shall be consistent with that of the Ventura West Specific Area Plan and shall, where feasible, protect, maintain and provide expanded housing opportunities for persons of low and moderate income in furtherance of neighborhood revitalization.

Coastal-Dependent Industry

- The transition of uses within the "ABC" portion of Ventura West from that of residential and commercial to coastal-related shall be accomodated through permissive zoning to the extent that such are mutually compatible. The transition of this area shall be coordinated between the City and Oxnard Harbor District. [through the Cooperative Planning Agreement.] *

- Due to the lack of immediate water adjacency, coastal-dependent uses shall be precluded from development within the "ABC" area of Ventura West.

- The improvement and widening of Pleasant Valley Road and Ponoma Streets shall be an integral part of the transition of the "ABC" area of Ventura West to coastal-related use. Upon completion, these thoroughfares shall supplement Port Hueneme Road as the principal access for truck traffic to and from the Port of Hueneme.

AREA F: MARKET STREET

LCP Land Use:
- Commercial and Visitor-Serving

Related Documents
- Coastal Energy Impact Program
- Cooperative Planning Agreement
- Central Community Redevelopment Project

Development Policies

Resolution of the Market Street Landing concept in relation to Coastal Act policies and concerns regarding Port access and utility presupposes a three-fold development strategy for Area F: (1) redefining the Market Street commercial corridor so as to include Area G within the "Landing" urban design concept; (2) restricting uses within the Market Street corridor in relation to their proximity to the Pacific Ocean and Port of Hueneme; and (3) emphasizing visual linkage to the Port of Hueneme as a primary design consideration with direct access being secondary thereto. Within this context, the following specific development policies shall apply:

Shoreline Access/Coastal Visual Resources; Coastal-Dependent Industry/Commercial Fishing and Recreational Boating

- Due to their juxtaposition relative to the Pacific Ocean and Port of Hueneme, Areas F and G shall collectively comprise the Market Street Landing corridor within which development shall preserve, enhance and, where feasible, increase visual and physical access to the Port's industrial, commercial fishing and sportfishing activities and the ocean's recreational and visitor-serving amenities.

- By virtue of its proximity to the Port of Hueneme and distance from the Pacific Ocean, the Market Street area shall serve as an interface between uses of a general commercial, speciality retail and harbor-related nature. In this respect, future development within Area F may include the full range of uses as listed in the underlying zone clas-

sification for the Market Street Landing corridor, which development shall not preclude pre-existing uses from continuing or being replaced by other than special commercial.

Coastal-Dependent Industry/Recreation and Visitor-Serving Facilities

- Development within the Market Street area shall be coordinated between the City and Oxnard Harbor District [through the Cooperative Planning Agreement,] which development shall not be designed so as to interfere with the Port's coastal-dependent and coastal-related functions.

AREA G: SUNKIST SITE

LCP Land Use:
- Commercial and Visitor-Serving

Related Documents:
- Coastal Energy Impact Program
- Cooperative Planning Agreement
- Beach Master Plan
- Central Community Redevelopment Project

Development Policies

The Sunkist Site, as a large parcel with ocean frontage under single ownership, represents a coastal resource requiring careful planning. So as to ensure fulfillment of the visual and physical access objectives inherent in the Market Street Landing concept (see Area F: Market Street), development of the Sunkist Site should be undertaken comprehensively in accordance with an approved master plan. As to the nature of allowable uses, the prominance of Area G relative to its proximity to both the Pacific Ocean and Port of Hueneme presupposes a more limited range of special commercial uses than that which applies to the Market Street area. Specifically, Section 30222 of the Coastal Act provides that "visitor-serving commercial and recreational facilities designed to enhance public opportunities for coastal recreation" have priority over all other uses except agriculture and coastal-dependent uses. So as to accomodate recommendations of the Oxnard Harbor District and CEIP Study concerning the development of coastal-related uses on the Sunkist Site (i.e., warehouses, open storage, etc.), it is proposed that a limited range of such uses (i.e., harbor-related offices) be allowed consistent with the general intensity and character of recreational and visitor-serving development as the predominate land use.

Within this context, the following specific development policies shall apply:

Shoreline Access/Coastal Visual Resources

- Development of the Sunkist Site shall be consistent with the urban design principals of the Market Street Landing concept, which development, by virtue of the parcel's ocean frontage, shall preserve, enhance and, where feasible, increase visual and physical access, both vertical and lateral, to and along the beach consistent with the Hueneme Beach Master Plan.

Recreation and Visitor-Serving Facilities/ Coastal-Dependent Industry

- No development on any portion of the Sunkist Site shall be approved in the absence of a comprehensive master plan for the entire parcel, which plan and corresponding development shall be subject to the following standards:

  (i) The developable portion of Area G located southerly of the existing Ventura County Railroad [right-of-way] tracks shall be limited to visitor-serving and commercial-recreational facilities as listed in the underlying zone classification for the Market Street Landing corridor. **

  (ii) The developable portion of Area G located northerly of the existing Ventura County Railroad [right-of-way] tracks may include harbor-related office uses in addition to visitor-serving and commercial -recreational facilities as listed in the underlying zone classification for the Market Street Landing corridor. **

  (iii) Development on the northerly portion of the Sunkist Site shall be coordinated between the City and Oxnard Harbor District [through the Cooperative Planning Agreement,] *

which development shall not be designed so as to interfere with the Port's coastal-dependent and coastal-related functions.

AREA H: PORT OF HUENEME/ OXNARD HARBOR DISTRICT

LCP Land Use:
- Coastal-Dependent Industry
- Coastal-Related Industry

Related Documents:
- Port Master Plan
- Cooperative Planning Agreement
- Coastal Energy Impact Program

Development Policies

Specific uses as to land, water and wharf areas within the confines of Area H are governed by a Port Master Plan which, as authored and administered through the Oxnard Harbor District, has been prepared and certified independent of this LCP. In accordance with California Government Code Section 30711, the certified Port Master Plan is hereby incorporated by reference to serve as site-specific development policy for purposes of this LCP. While the Oxnard Harbor District is the agency principally responsible for overseeing implementation of the Port Master Plan, the City of Port Hueneme, under its vested "police powers", retains developmental review and permit authority within Area H. Toward this end and consistent with Coastal Act policies and definitions, a two-tiered zoning classification is proposed under which coastal-dependent uses are clearly distinguished from that of coastal-related. In so doing, areas proximate to wharf and dock facilities would be exclusively reserved for uses requiring immediate water adjacency; harbor-related uses of a nondependent nature being accommodating in outlying areas. Under this arrangement, development within Area H would dovetail with CEIP recommendations relative to "...relocating non-harbor-dependent activities onto other sites, while reallocating Port land to strictly harbor dependent activities..." for the purpose of accomodating harbor growth.

As to implementation, development within Area H shall be coordinated between the City and Oxnard Harbor District [through the Cooperative Planning Agreement.] Within this framework, those policy groups identified in Table 1 concerning the Port of Hueneme (Shoreline Access, Coastal-Dependent Industry, Recreation and Visitor-Serving Facilities, Coastal Visual Resources and Commercial Fishing/Recreational Boating) shall serve as the primary basis upon which specific development proposals will be evaluated by the City.

AREA K: CHANNEL ISLANDS

LCP Land Use:

- Local, Neighborhood and General Commercial
- Medium Density Residential (8-15 du/acre)

Development Policies

By virtue of the area's juxtaposition with respect to surrounding urbanized uses, the continued viability of agricultural activities within Area K is severly limited. In this respect, conversion of such land to commercial and residential use would provide for the logical completion of existing development within the Channel Islands area. Under these conditions, the transition from agricultural to urban use is deemed consistent with Section 30241 of the Coastal Act. Within this context, the following specific development policies shall apply:

Agriculture

- Conversion of agricultural land within the Channel Islands area shall be facilitated so as to provide for the logical completion and interconnection of established residential neighborhoods and pre-existing commercial uses.

Locating New Development

- Development within Area K shall be consistent with that of the use designations and performance standards applicable to the underlying zone classification of land upon which such development is proposed. No residential or commercial development on any portion of undeveloped land within Area K shall be approved in the absence of a comprehensive master plan for all of the property designated for such use.

Recreation and Visitor-Serving Facilities

- By virtue of its proximity to the Channel Island Marina and the extent of existing and planned recreational and visitor-serving facilities thereat, commercial development within Area K shall not be limited exclusively to such facilities and uses.

Housing

- Opportunities for low and moderate income housing within the Channel Islands area shall, where feasible, be provided consistent with the provisions of State Law.

IMPLEMENTATION

This Section of the Local Coastal Program describes how the LCP will be effectuated. Specifically, LCP implementation for the City of Port Hueneme will consist of three basic components:

- Amendment of the City's General Plan and Central Community Project Redevelopment Plan
- Revision of the City's Zoning Text and Map
- Implementation programs comprised of the Neighborhood Preservation Program, Neighborhood Strategy Area Urban Design Study, and Cooperative Efforts with the Oxnard Harbor District

COMMUNITY DEVELOPMENT ACTION PLAN AMENDMENTS

So as to incorporate applicable provisions of the LCP Land Use Plan, amendment of both the text and map of the City's General Plan and Central Community Project Redevelopment Plan will be necessary. Toward this end, public hearings on the General Plan have been conducted and indefinitely continued until such time that the LCP is certified by the Coastal Commission. Immediately following such certification, public hearings will be re-opened and formal amendment shall be made. [to the aforementioned Plans.] Do to onerous public notice requirements, public hearings on the Central Community Project Redevelopment Plan will not be conducted until after both the General Plan and Zoning Ordinance have been amended. *

ZONING REVISIONS

Revisions to the City's Zoning Map, as shown, in the map included in the back of this document, are designed to bring zoning within the Coastal Zone into conformity with land use designations of the LCP. Major changes to the City's exisiting Zoning Map necessary to accomplish the foregoing include the institution of four new zoning classifications as listed in the left-hand column below:

C-S (Special Commercial)

R-4 (Transitional Residential/ Coastal-Related Industry)

M-CD (Coastal-Dependent Industry)

M-CR (Coastal-Related Industry)

The C-S (Special Commercial) Zone applies to the Market Street Landing corridor consisting of Areas F and G (Market Street and Sunkist Site, respectively) and a small portion of Area B (Surfside). The R-4 (Transitional Residential/Coastal-Related Industry) Zone applies to the "ABC" Street portion of Area E (Ventura West). The M-CD (Coastal-Dependent Industry) Zone applies only to that land which is adjacent to wharf and dock areas within Area H (Port of Hueneme/Oxnard Harbor District). The M-CR (Coastal-Related Industry) Zone applies to the remainder of Area H and to the entirety of Area C (Surfside Industrial).

In order to fully accomplish the objectives of LCP, the City's Zoning Text, in its entirety, has been revised and reorganized. Major changes relating to implementation of the LCP include the following:

- Revision of the PD (Planned Development) Zone overlay so as to include all property within the Coastal Zone under a comprehensive development review procedure.

- Revision of the general provisions so as to require that all General Plan and Zoning Ordinance amendments and boundary changes which affect any land or use within the Coastal Zone receive prior approval of the Coastal Commission as amendment to the City's LCP.

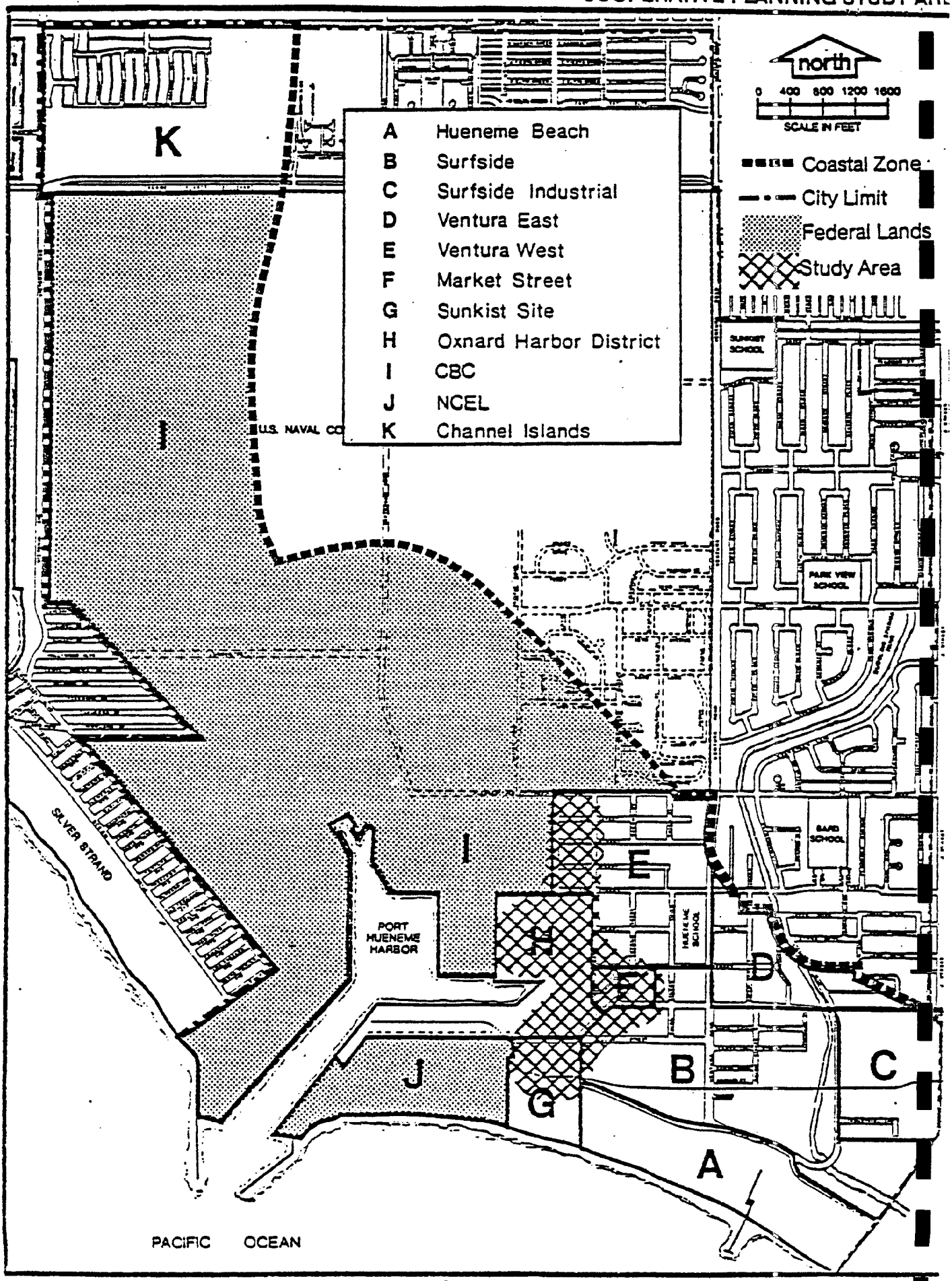
- Revision of the development review procedures so as to incorporate post-certification regulations pertaining to appealable coastal developments and coastal access dedication requirements for projects between the first public road and the ocean.

IMPLEMENTING PROGRAMS

The Neighborhood Preservation Program and capital improvements component of the Neighborhood Strategy Area Urban Design Study (Appendix B and D, respectively) collectively serve to implement the neighborhood stabilization and housing conservation strategies applicable to Ventura East and Ventura West. These particular imlementation programs are capital-intensive in nature and constitute the cornerstone of the City's federally-funded Community Development Block Grant Program.

The Cooperative Planning Agreement (Appendix E) serves as the mechanism through which development of the Port of Hueneme, Sunkist Site, Market Street, and "ABC" portion of Ventura West is to be coordinated between the City and Oxnard Harbor District. Other cooperative efforts between the City and Oxnard Harbor District include the joint application for Coastal Energy Impact Program (CEIP) grant funds for the purpose of examining issues of mutual concern in greater detail. The study which was subsequently produced during the course of LCP preparation is contained in Appendix F. Pertinent findings of this study served to delineate land use policy for specific portions of the Coastal Zone.

Figure 3
COOPERATIVE PLANNING STUDY ARE



Section II

Zoning Ordinance

CHAPTER 17.04

GENERAL PROVISIONS

17.04.010 PURPOSE. The purpose of this Chapter is to clarify the general provisions of this Title and to qualify the conditions and procedures under which changes and exceptions to this Title are to be considered by the City.

17.04.020 ZONING TEXT. The written provisions of this Title are hereby adopted and established as the Zoning Text for the City of Port Hueneme to serve and be held as the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare as necessary to provide for the economic and social advantages resulting from an orderly, planned use of land resources. It is not intended by this Title to interfere with or abrogate or annul any easement, covenant, or other agreement between parties; provided, however, that where this Title imposes a greater restriction upon the use of buildings or lands than are imposed or required by other ordinances, rules, regulations or by easement, covenant or agreement, the provisions of this Title shall prevail.

17.04.030 ZONING MAP. The boundaries of zones described in this Title are hereby adopted and established as set forth on the Zoning Map for the City of Port Hueneme and all notations, references and other information shown on said Map shall be as much a part of this Title as if the matters and information set forth on said Map were fully described herein. All provisions of this Title governing the use of land and buildings, the height and bulk of buidings, the sizes of yards and other open spaces about buildings, and other matters as herein set forth, are hereby declared to be in effect upon all land included within the boundaries of each and every zone as delineated on the Zoning Map. Where uncertainty exists as to the boundaries of any zone as shown on the Zoning Map or part thereof, the Planning Commission shall determine all such uncertainties; provided, however, that the following rules of construction shall apply:

A. Where such boundaries are indicated as following approximate street, alley, or lot lines, such lines shall be construed to be such boundaries;

B. In a case of unsubdivided property and where a zone boundary divides a lot, the location of such boundaries, unless the same are indicated by dimensions, shall be determined by the use of the scale appearing on the Zoning Map; and

C. Where a public street or alley is officially vacated or abandoned, the zoning regulations applicable to abutting property on each side of the center line shall apply up to the center line of such vacated or abandoned street or alley of each respective side thereof.

17.04.040 AMENDMENTS.

A. General. Amendments to adopted development and use standards which impose any regulation, policy, or guideline not theretofore imposed, remove or modify any such regulation, policy, or guideline theretofore imposed, are subject to the provisions of this Section and include amendments of the following:

1. Zoning Text. Any regulatory provisions affecting the Zoning Text adopted pursuant to Section 17.04.020.

2. General Plan Text. Any advisory provision affecting the General Plan Text adopted pursuant to Title VII, Division 1, Article 7 of the Government Code of the State of California.

B. Initiation. Provisions of the Zoning Text or General Plan Text may be amended, altered or repealed whenever public necessity and convenience and general welfare require. Such changes may be initiated by the City Council only; provided, however, that the City Council may initiate the same upon recommendation of the Planning Commission.

C. Development Review Procedures. Amendments shall be processed in the time and manner prescribed for Development Permits in Chapter 17.22 commencing with Section 17.22.030(F), except as otherwise specified below.

1. City Council Public Hearing. Findings made pursuant to Section 17.22.030(F)(6) shall be transmitted to the City Council immediately following action by the Planning Commission. Not earlier than ten (10) days nor later than forty-five (45) days following Planning Commission action, a public hearing shall be conducted by the City Council; provided, however, that if the Planning Commission recommendation is to reject a proposed amendment, no public hearing shall be conducted by the City Council unless it so desires or an appeal is filed pursuant to Section 17.22.030(G). A decision of the City Council not to conduct a public hearing, as herein provided, shall constitute denial of the proposed amendment. *

a. Procedures. Notice of public hearing before the City Council shall be given in a time and manner specified in Section 17.22.030(F)(1). In all other respects, the procedures specified in Section 17.22.030(F)(2) through Section 17.22.030(F)(5) shall be the procedures by which the City Council deliberates [amendments] proposed amendments and appeals filed under this Section. *

b. Findings. The City Council may approve, modify, or disapprove the recommendation of the Planning Commission; provided, however, that any modification of the Planning Commission recommendation by the City Council not previously considered by the Planning Commission during its hearing, shall first be referred to the Planning Commission for a report and recommendation, but the Planning Commission shall not be required to hold a public hearing thereon. Failure of the Planning Commission to report within sixty (60) days after such reference, shall be deemed to be approval of the proposed modification. Amendments to the Zoning Text and General Plan Text shall be made by ordinance and resolution, respectively, of the City Council. The decision of the City Council made pursuant to this Section 17.04.040(C)(1) shall be deemed final and conclusive.

2. Inapplicability. The fulfillment [, appeals] and modification provisions of Section 17.22.030(F)(7) [, 17.22.030(G)] and 17.22.030(H), respectively, shall not apply to this Section. *

D. Text Consistency. In the event that an amendment will result in an inconsistency between regulartory provisions of the Zoning Text and land use policies of the General Plan Text, no such change will be considered unless accompanied by, and concurrently processed with, a request for amendment in either Text as necessary to maintain consistency between the two; provided, however, that a General Plan Text amendment must, in all cases, be considered and acted upon by the City Council pursuant to Section 17.04.040(C), prior to such consideration being given to a Zoning Text amendment. *

17.04.050 BOUNDARY CHANGES.

A. General. Geographical changes in adopted zoning and land use classifications in the City of Port Hueneme are subject to the provisions of this Section and include the following:

1. Zoning Map. Any boundary adjustment or zone reclassification affecting the Zoning Map adopted pursuant to Section 17.04.030.

2. General Plan Map. Any boundary adjustment or land use reclassification affecting the General Plan Map adopted pursuant to Section 65450 et al of the California Government Code.

B. Initiation. Boundaries of the Zoning Map or General Plan Map may be amended, reclassified and altered whenever public necessity and convenience and general welfare require. Such changes may be initiated by any of the following:

1. The verified petition of one or more owners of property proposed to be so changed or reclassified;

2. Resolution of intent of the City Council; or

3. Resolution of intent of the Planning Commission.

C. Development Review Procedures. Boundary changes shall be processed in the same time and manner prescribed for Development Permits in Chapter 17.22 commencing with Section 17.22.030(A), except as otherwise provided below.

1. City Council Public Hearing. Findings made pursuant to Section 17.22.030(F)(6) shall be transmitted to the City Council immediately following action by the Planning Commission. Not earlier than fourteen (14) days nor later than forty-five (45) days following Planning Commission action, a public hearing shall be conducted by the City Council; provided, however, that if the Planning Commission recommendation is to [deny a boundary change which has been initiated by other than the City Council or Planning Commission, no public hearing shall be conducted by the City Council unless an appeal is filed pursuant to Section 17.22.030(G).] reject a boundary change, no public hearing shall be conducted by the City Council unless it so desires or an appeal is filed pursuant to Section 17.22.030(G). A decision of the City Council not to conduct a public hearing, as herein provided, shall constitute denial of the proposed amendment.

a. Procedures. Notice of public hearing before the City Council shall be given in the time and manner specified in Section 17.22.030(F)(1) or Section 17.22.030(G), whichever applies. In all other respects, the procedures specified in Section 17.22.030(F) and Section 17.22.030(G), excepting Sections 17.22.030(F)(7) and 17.22.030(H), shall be the procedures by which the City Council deliberates proposed boundary changes and appeals filed under this Section.

b. Findings. The City Council may approve, modify, or disapprove the recommendation of the Planning Commission; provided, however, that any modification of the Planning Commission recommendation by the City Council not previously considered by the Planning Commission during its hearing, shall first be referred to the Planning Commission for report and recommendation, but the Planning Commission shall not be required to hold a public hearing thereon. Failure of the Planning Commission to report within sixty (60) days after such reference, shall be deemed to be approval of the proposed modification. Boundary changes to the Zoning Map and General Plan Map

shall be made by ordinance and resolution, respectively, of the City Council. The decision of the City Council made pursuant to this Section 17.04.050(C)(1) shall be deemed final and conclusive. [in the adjudication of any appeal filed under the provisions of this Section.]

2. Inapplicability. The requirement for Development Plan submittal pursuant to Section 17.22.030(C)(5) is automatically waived if the request for boundary change is initiated either by the Planning Commission or the City Council.

D. Map Consistency. In the event that a boundary change will result in an inconsistency between zone classifications of the Zoning Map and land use designations of the General Plan Map, no such change will be considered unless accompanied by, and concurrently processed with, a request for boundary change in either Map as necessary to maintain conformity between the two; provided, however, that a General Plan Map boundary change must, in all cases, be considered and acted upon by the City Council pursuant to Section 17.04.050(C), prior to such consideration being given to a Zoning Map boundary change.

17.04.060 VARIANCES.

A. General. When practical difficulties, unnecessarily severe hardships or results inconsistent with the general purpose of this Title occur through the strict interpretation of provisions hereof, variances from the terms of the Zoning Text may be granted subject to the provisions of this Section.

B. Limitations. Variances from the terms of this Title may be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location of surroundings, the strict application of this Title deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations of other properties in the vicinity and zone in which such property is situated. A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulations governing the parcel of property. The provisions of this Section shall not apply to conditional uses or any permit issued pursuant to Chapter 17.22 wherein the underlying development standards permit variances from the terms of this Title. **

C. Development Review Procedures. Except as otherwise provided herein, variances shall be processed in the time and manner prescribed for Development Permits in Chapter 17.22 commencing with Section 17.22.030. In lieu of the foregoing, an Administrative Permit issued in accordance with provisions of Section 17.22.040 may be obtained for variances involving relatively routine and minor adjustments in certain types of zoning regulations as follows:

1. Area Regulations. Modification of distance or area regulations not exceeding twenty (20) percent of required front, side, rear, or court yard distances or other open space requirements or ten (10) percent of lot coverage requirements.

2. Off-Street Parking. Modification of off-street parking and landscaping development standards.

3. Nonconforming Buildings. Approval for additions to structures which are nonconforming as to side yard, rear yard, lot coverage, or off-street parking;

provided, however, that the additions, in all other respects, meet the requirements of zoning regulations affecting the property.

4. Fences. Approval of walls, hedges, or fences to exceed the height limits or design requirements of this Title and permit them to be located within setback areas where consistent with safety and neighborhood appearance.

5. Signs. Modification of building and monument sign design criteria, other than height or area.

6. Nonconforming Lots. Approval of building construction upon nonconforming lots where substantial development upon nonconforming lots exists in the area.

17.04.070 CALIFORNIA COASTAL ZONE. Any amendment or boundary change authorized under the provisions of this Chapter which affects the use of any land situated within the California Coastal Zone [adopted pursuant to the California Coastal Act of 1976,] , as defined by California Public Resources Code Section 30103, shall constitute amendment of the Local Coastal Program of the City of Port Hueneme. No such amendment or boundary change shall become final until approval is granted in accordance with the provisions of Title 14, Division 20, Article 2, as amended, of the Public Resources Code of the State of California.

CHAPTER 17.08

DEFINITIONS

17.08.010 DEFINITIONS GENERALLY. This Title which defines and makes effective the land use zoning plan of the City of Port Hueneme shall be known as the "Zoning Ordinance" and for the purpose of this Title, and for this Title only, certain words and terms are defined.

17.08.020 INTERPRETATION OF GRAMMAR. Words used in the present tense include the future. Words in the singular number include the plural, and words in the plural number include the singular. The word "shall" is mandatory.

17.08.030 INTERPRETATION OF CITY. The term "City Council" means the City Council of the City of Port Hueneme. The term "Planning Commission" means the City Planning Commission of the City of Port Hueneme. The word "City" when used means the City of Port Hueneme.

17.08.040 ACCESSORY BUILDING. The term "accessory building" shall mean a building, part of a building or structure or use which is subordinate to, detached from, and the use of which is incidental to that of the main building, structure, or use of the same lot.

17.08.050 AGGRIEVED PERSON. The term "aggrieved person" shall mean any person who, in person or through a representative, appeared at public hearing or meeting of the City in connection with a decision or action which is appealed, or who, by other appropriate means prior to such hearing or meeting, informed the City of the nature of his or her concerns or who for good cause was unable to do either.

17.08.060 ALLEY. The term "alley" shall mean any public thoroughfare for the use of pedestrians or vehicles, which as been deeded or dedicated to the City as a secondary means of access to abutting property and has been designated by the City Council as a public alley.

17.08.070 APARTMENT. The term "apartment" shall mean a room or a suite of two or more rooms in a tenement or apartment house, occupied or suitable for occupancy as a residence for one family.

17.08.080 APARTMENT HOUSE. The term "apartment house" shall mean any building, or portion thereof, which is designed, intended, built, rented, leased, let or hired out to be occupied as three or more dwelling units.

17.08.090 ARCADE. The term "arcade" shall mean any place of public resort wherein five or more coin or slug-operated amusement devices are maintained for use by the general public.

17.08.100 BABY-SITTING. The term "baby-sitting" shall mean care of children by an individual on a temporary basis, without benefit of formal advertising or established hours.

17.08.110 BASEMENT. The term "basement" shall mean one or more stories wholly or partly underground and having one-half or more of its height measured from it floor to its finished ceiling below the average adjoining grade. A basement shall be considered a story if the vertical distance from the average adjoining grade to its finished ceiling is over five feet.

17.08.120 BOARDINGHOUSE. The term "boarding house" shall mean a building where lodging and meals are furnished for compensation; where meals are provided for residents from a central kitchen and served in a central dining area; where bathroom and shower facilities are either adjacent to and connected with each individual room or a common bathroom and shower facility is provided for all residents of the boarding house.

17.08.130 BUILDING. The term "building" shall mean any structure having a roof supported by columns or by walls intended for the shelter, housing or enclosure of persons, animals, chattels or property of any kind.

17.08.140 BUILDING SITE. The term "building site" shall mean the ground area of a building or group of buildings, together with all open spaces as required by this Title.

17.08.150 BUSINESS OR COMMERCE. The term "business or commerce" shall mean the purchase, sale or other transaction involving the handling or disposition of any article, substance or commodity for profit or livelihood, or the ownership or management of office buildings, offices, recreational or amusement enterprises or the maintenance and use of offices by professions and trades rendering services.

17.08.160 CARPORT. The term "carport" shall mean an accessory building or portion of the main building, designed and used primarily for the shelter or storage of operable vehicles owned or operated by the occupants of the main building consisting of at least a roof structure and its supports.

17.08.170 CHURCH. The term "church" shall mean a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its buildings and uses, is maintained and controlled by a religious body organized to maintain public worship.

17.08.180 CLINIC, DENTAL OR MEDICAL. The term "dental or medical clinic" shall mean a buiding in which a group of physicians and/or dentists and allied professional assistants are associated for the purpose of carrying on their profession. The clinic may include a dental or medical laboratory, but shall not include in-patient care or operating rooms for major surgery.

17.08.190 CLUB. The term "club" shall mean an association of persons for some common non-profit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business or commerce.

17.08.200 CONDOMINIUM. The term "condominium" shall mean an estate in real property consisting of an undivided interest in a common in portion of a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such property.

17.08.210 DAY CARE CENTER.. The term "day care center" shall mean any facility, licensed by appropriate governmental entities which regularly provide non-medical care, provide protection or supervision to persons or children in the licensee's own dwelling or other building on less than a twenty-four (24) hour per day basis.

17.08.220 DAYS. The term "days" shall mean calendar days.

17.08.230 DISCRETIONARY PROJECT. The term "discretionary project" shall mean an activity defined as a project which requires the exercise of judgment, deliberation, or decision on the part of a City agency, body, officer, or staff member in the

process of approving or disapproving a particular activity, as distinguished from situations where the City agency, body, officer, or staff member merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations. The term "discretionary project" shall include, but not be limited to, [the following:] planned developments, conditional uses, variances, boundary changes, amendments, special uses or portions of the foregoing. *

17.08.240 DWELLING. The term "dwelling" shall mean a building or portion thereof designed for or occupied exclusively for residential purposes.

17.08.250 DWELLING UNIT. The term "dwelling unit" shall mean one or more rooms in a building or apartment house designed for occupancy by one family for living or sleeping purposes and containing only one kitchen for the exclusive use of one family. Within this meaning, no limit shall exist as to the number of wet bars which may be contained in a single dwelling unit.

17.08.260 DWELLING, ONE-FAMILY. The term "one-family dwelling" shall mean a detached building designed or used exclusively for occupancy by one family and containing one dwelling unit.

17.08.270 DWELLING, TWO-FAMILY. The term "two-family dwelling" shall mean a dwelling designed or used exclusively for occupancy by two families and containing two dwelling units.

17.08.280 DWELLING, MULTIPLE. The term "multiple dwelling" shall mean a building, or a portion of a building, designed or used for occupancy by three or more families and containing three or more dwelling units.

17.08.290 ENCLOSED. The term "enclosed" shall mean a building, part of a building, or an accessory building which is improved with walls on three (3) or more sides, such walls being six (6) feet or more in height.

17.08.300 FAMILY. The term "family" shall mean: (1) an individual or a group of persons living together as a single housekeeping unit so long as the number of persons in such group does not exceed two persons per bedroom of the dwelling unit; or (2) two or more persons related by blood, marriage, or adoption.

17.08.310 FENCE. The term "fence" shall mean a device or a portion thereof, designed to separate property areas, and not carrying super-imposed load.

17.08.320 FOSTER HOME. The term "foster home" shall mean any residential facility providing twenty-four (24) hour care for six or fewer children which is owned, leased or rented and is the residence of the foster parent or parents, including their family in whose care the foster children have been placed. Such placement may be by a public or private child placement agency or by a court order, or by voluntary placement by a parent, parents, or legal guardian.

17.08.330 FRONTAGE. The term "frontage" shall mean the distance measured along a front line adjoining a public street or a side lot line on the street sides of a corner lot.

17.08.340 GARAGE, PRIVATE. The term "private garage" shall mean an accessory building or portion of the main building, enclosed on all sides and under a roof, designed primarily for the shelter or storage of vehicles owned or operated by the occupants of the main building.

City Council and may consist of a single lot of record or a combination of complete lots of record.

17.08.470 LOT, CORNER. The term "corner lot" shall mean a lot located at the junction of two or more intersection streets, with a boundary line thereof bordering on each of the two streets.

17.08.480 LOT, INTERIOR. The term "interior lot" shall mean any lot which is not a corner lot.

17.08.490 LOT, REVERSE CORNER. The term "reverse corner lot" shall mean a corner lot, the side lot line of which is substantially a continuation of the front lot line of a lot or parcel of land which adjoins the rear lot line of the corner lot.

17.08.500 LOT AREA. The term "lot area" shall mean the total horizontal area included within lot lines and shall include one-half of the width of any alley, or portions thereof, abutting any such lot line, except that where it can be determined which lot or lots the alley was a part of before its dedication, then these lots shall be considered to include as lot area that area dedicated as public alley.

17.08.510 LOT DEPTH. The term "lot depth" shall mean the average horizontal distance from the front line to the rear lot line measured in the general direction of the side lot lines.

17.08.520 LOT LINES. The term "lot lines" shall mean the established division lines between parcels of property, public or private.

17.08.530 LOT LINES, FRONT. The term "front lot lines" shall mean the lines separating the lot from the street in the case of an interior lot, the line separating the narrowest street frontage of the lot from the street in the case of a corner lot.

17.08.540 LOT LINES, INTERIOR. The term "interior lot lines" shall mean the lines separating interior lots.

17.08.550 LOT LINES, REAR. The term "rear lot lines" shall mean a lot line which is opposite and most distant from the front lot line. For a triangular shaped lot, the rear lot line shall mean a line ten feet in length within the lot which is parallel to the front lot line, or parallel to the cord of a curved front lot line, and at the maximum distance from the front lot line.

17.08.560 LOT LINES, SIDE. The term "side lot lines" shall mean any lot boundary line not a front lot line or a rear lot line.

17.08.570 LOT, THROUGH. The term "through lot" shall mean a corner or inside lot, having frontage on two parallel or approximately parallel streets, or two streets the center lines of which if projected would make an angle of less than 30 degrees.

17.08.580 LOT WIDTH. The term "lot width" shall mean the average horizontal distance between the side lot lines measured in the general direction of the front lot lines.

17.08.590 MINISTERIAL PROJECT. The term "ministerial project" shall mean an activity defined as a project which is undertaken or approved by a governmental decision which a public officer or a public agency makes upon a given state of facts in a prescribed manner in obedience to the mandate of legal authority without regard to personal judgment or opinion concerning the propriety or wisdom of the act although the statute, ordinance, or regulation may require, in some degree, a construction of its

language by the officer or agency. The term "ministerial project" shall include, but not be limited to, master sign criteria, parking and landscape development plans, signs, fences, home occupations, or portions of the foregoing.

17.08.600 MOBILE HOME. The term "mobile home" shall mean a structure transportable in one or more sections, which, when erected on-site, meets minimum dwelling units size standards for the zone in which it is located, and is built on a permanent chassis designed to be used as a dwelling; with or without permanent foundation, when connected to the required utilities, and includes the plumbing, air conditioning, and electrical systems contained therein.

17.08.610 MOBILE HOME PARK. The term "mobile home park" shall mean any area or tract of land where two or more mobile home lots which are rented or leased or held out for rent or lease to accommodate mobile homes used for human habitation. In a mobile home park, mobile homes need not be placed on a permanent foundation system.

17.08.620 MOTEL. The term "motel" shall mean a building or group of two or more detached, semidetached, or attached buildings containing not less than four guest rooms or dwelling units each of which has a separate individual entrance leading directly from the outside of the building or inner court with automobile storage space provided in connection therewith, and designed and intended to be used primarily for the accommodation of transient automobile travelers. This definition shall include auto cabins, tourist courts, motor courts, motor lodges, and similar designations. An establishment shall be considered a motel if it is required by the Health and Safety Code of the State of California to obtain the name and address of the guest, the make, year, and license number of the vehicle used by the guest, and the state in which the vehicle is registered. Motels, as defined herein, shall: (1) have a City business license; (2) have advertising signs; (3) be furnished with furniture and bed linen which is changed on a daily basis by maid service; (4) have a manager available on the premises 24 hours a day; and (5) have printed rate schedules showing rates by the day or week.

17.08.630 NONCONFORMING BUILDING. The term "nonconforming building" shall mean a building or portion thereof lawfully existing at the time this Title became effective, but which, because of the application of this Title to it, no longer conforms to the regulations of this Title.

17.08.640 NONCONFORMING USE. The term "nonconforming use" shall mean a use of land or any property which was lawfully established and maintained at the time this Title was adopted, but which, because of the application of this Title to it, no longer conforms to the regulations of the zone in which it is located.

17.08.650 PERSON. The term "person" shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, the Federal, State, City, or County government, or special district, or any other group or combination acting as an entity.

17.08.660 PLANNED STREET WIDTH. The term "planned street width" shall mean the proposed ultimate right-of-way widths of those streets shown in the General Plan of the City and of such other streets where official action of the City Council has determined said ultimate right-of-way widths.

17.08.670 PORTE COCHERE. The term "porte cochere" shall mean a roof-like attachment to a building, primarily used for the protection and convenience of loading and/or unloading of passengers and/or materials.

17.08.680 PROJECT. The term "Project" shall mean the whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately.

17.08.690 RESIDENTIAL CARE FACILITY. The term "residential care facility" shall mean any family home, group care facility or similar facility, for twenty-four (24) hour non-medical care of persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or the protection of the individual, including, but not limited to, foster homes and residential care facilities for the elderly as defined in Section 1502(a)(2) of the Health and Safety Code of the State of California.

17.08.700 ROOM. The term "room" shall mean an undivided portion of the interior of a dwelling unit, but excluding bathrooms, closets, hallways, and service porches.

17.08.710 SANITARIUM. The term "sanitarium" shall mean an institution for the treatment and care of invalids or convalescents.

17.08.720 SERVICE STATION. The term "service station" shall mean any building or premises used primarily for the retail sale of gasoline and lubricants, but which may also provide for the incidental servicing of motor vehicles including lubrication, tire repairs, battery charging, hand washing of automobiles, sale of merchandise and supplies related to the servicing of motor vehicles, and minor replacements, but excluding body and fender work, and similary activities.

17.08.730 STREET. The term "street" shall mean the land dedicated in any manner or condemned for use as a public highway, or established and shown as such on the official maps of the City Engineer and shall include every boulevard, avenue, place, drive, court, lane, or other thoroughfare dedicated to public travel, but shall not include an alley as defined herein.

17.08.740 STREET CENTERLINE. The term "street centerline" shall mean the centerline of a street or right-of-way as shown on official records. If two or more centerlines appear on official records, or in the absence of a centerline on official records, the centerline shall be determined by the City Engineer.

17.08.750 STREET LINE. The term "street line" shall mean the boundary line between street and abutting property.

17.08.760 STREET, LOCAL. Ther term "local street" shall mean any dedicated street serving as the principal means of access to property which is not an arterial or collector highway as defined herein.

17.08.770 STRUCTURE. The term "structure" shall mean anything constructed or erected, the use of which is permanently located or requires permanent location on the ground or attachment to something having a permanent location on the ground, but not including walls and fences less than six feet in height and other improvements of a minor character as determined by the Director of Community Development.

17.08.780 STRUCTURAL ALTERATIONS. The term "structural alterations" shall mean any change in the supporting members of a building such as bearing walls, or columns, beams, or girders and floor joists, or roof joists, girders or rafters or changes in roof exterior lines.

17.08.790 TOWNHOUSE. The term "townhouse" shall mean a dwelling unit integral to a building which contains two or more dwellings in which one or more walls of each unit

abut a property line common to one or more such units and which units shall collectively be considered as one building for the purpose of this Title.

17.08.800 TRAILER, AUTOMOBILE. The term "automobile trailer" shall mean a vehicle without motor power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach and motor home, and any self-propelled vehicle having a body design for or converted to the same uses as an automobile trailer without motor power.

17.08.810 USE. The term "use" shall mean the purpose for which land or a building or structure is arranged, designed, or intended to be used, or for which it is or may be used, occupied, or maintained.

17.08.820 WALL. The term "wall" shall mean any structure or device, permanent in nature, and extending from floor to ceiling in a structure, used as a barrier between two areas.

17.08.830 WET BAR. The term "wet bar" shall mean an area located in or adjacent to a dwelling unit for the exclusive use of the one family residing in said dwelling unit, separate from a kitchen, and containing no electrical outlets in excess of 110 volts or plumbing stub-outs roughed in for future use which could be used for a kitchen. Wet bars shall have no gas outlets or provisions for such outlets roughed in for future use, nor shall they have more than one bar sink fixture with one sink well whose internal dimensions do not exceed twelve (12) inches in width by twelve (12) inches in length.

17.08.840 YARD. The term "yard" shall mean an unoccupied space on a lot or building site on which a building is situated, and except where otherwise provided in this Title, open and unobstructed from the ground to the sky.

17.08.850 YARD, FRONT. The term "front yard" shall mean a yard extending between side lot lines from the front lot line to the garage and building intended for the shelter, housing, or enclosure of persons.

17.08.860 YARD, REAR. The term "rear yard" shall mean a yard extending across the full width of the lot and measured between the rear line of the lot and rear line of the main building nearest said rear line of the lot. The rear yard shall include one-half of the width of an adjoining alley, or portions thereof, adjoining the rear lot line, except that where it can be determined which lot or lots the alley was a part of before its dedication, then these lots shall be considered to include as rear yard and lot area that area and only that area dedicated as public alley.

17.08.870 YARD, SIDE. The term "side yard" shall mean a yard extending from the front yard to the rear yard; the width of the required side yard shall be measured horizontally from the nearest part of the side lot line to the building.

CHAPTER 17.12

USE REGULATIONS

17.12.010 PURPOSE. The purpose of this Chapter is to specify use regulations which apply throughout this Title.

17.12.020 PERMITTED USES.

A. General. No building shall be erected and no existing building shall be moved, reconstructed, structurally altered, added to or enlarged, nor shall any land, building, or premises be used, designed or intended to be used for any purpose other than a use permitted in the zone in which [said] such land , buildings or premises are located. *

B. Restricted Uses. Each zone hereinafter established is mutually exclusive as to the uses of land and buildings permitted in each such zone. The designation of a use or building in a particular zone shall prohibit such use or building in all [zones of a more restrictive nature] other zones unless otherwise specified in this Title. * *

C. Interpretations. Judgments as to the application or interpretation of this Title shall be made by Resolution of the Planning Commission when such judgments are made necessary by virtue of circumstances for which the procedures and requirements specified herein are unclear or otherwise create hardships inconsistent with the purpose and objectives served by this Title. Included herein shall be interpretations as to the appropriate zones within which unspecified uses may be permitted, judgments of which shall be based upon comparable uses and specified purposes of corresponding districts. All judgments rendered pursuant to this Section shall be made in accordance with the amendment procedures set forth in Section 17.04.040; provided, however, that no fee shall be charged, no public hearing or notice of the matter need be given, nor shall consideration by the City Council be required. *

17.12.030 NONCONFORMING PROVISIONS.

A. General. The purpose of this Section is to provide for regulation and eventual elimination of uses and structures not in compliance with the requirements of the zone in which they are located. It is hereby declared that the nonconforming use of land and structures is detrimental to the public health, safety, convenience and general welfare of persons and property within the City. It is further declared, that it is the policy of the City that such nonconforming uses shall be eliminated as rapidly as may be done without infringing upon the constitutional rights of the property owners of such nonconforming uses. The continuation of nonconforming uses as provided herein is intended to prevent economic hardship and to allow the useful economic value of structures to be consumed or realized within specified time periods. Nonconforming uses are declared to be illegal and prohibited after determination dates as set forth herein.

B. Nonconforming Buildings.

1. Continuation. A nonconforming building may be continued for the period specified herein, provided no additions or enlargements are made thereto except those required by law or ordinance, or as approved under a variance procedure pursuant to Section 17.04.060(C).

2. Restoration. Subject to all other regulations of this Section, a building destroyed to the extent of no more than seventy-five percent (75%) of its reasonable value by fire, explosion or other casualty, act of God, or the public enemy, may be restored and the occupancy or use of such building or part thereof which existed at the time of such partial destruction, may be continued for the period specified herein; provided, however, that restoration must be undertaken within ninety (90) days of such destruction.

C. Nonconforming Uses.

1. Abandonment. If a nonconforming use existing at the time this Title became effective is subsequently abandoned, any future use shall be in conformance with the provisions of this Title. For the purpose of this Section, the term "abandoned" shall mean a discontinuation in use for a period of ninety (90) days or more.

2. Intensity. Any nonconforming use of a conforming or nonconforming building may be maintained and continued provided there is no increase or enlargement of the area, space, or volume occupied or devoted to such nonconforming use, and provided, further, that there is no increase in the intensity of such nonconforming use except as otherwise provided in this Title. Increase in intensity of use as used herein shall include, but not be limited to, an increase in the number of persons, animals or machines present at, doing business with, or visiting a nonconforming use.

3. Non-Residential Uses. No permit shall be issued by the Building Official or any other officer, agent or employee of the City for the erection, construction, reconstruction, moving, conversion, alteration of, addition to or occupancy of any new or existing building or structure which is to be used as a non-residential building in any residential zone in the City unless otherwise provided under this Title.

D. Nonconforming Lots.

1. Permitted Uses. The use of land as permitted for in the zone in which it is located shall be permitted on a lot or parcel or a combination of contiguous lots or parcels of less area or frontage than those required by the regulation of such zone only if the owner or, if there be more than one, any one of the owners of such lot or parcel or combination thereof does not own, in whole or in part, any adjoining property and has not owned, in whole or in part, any adjoining property since the effective date of this Title. Whenever use of land is permitted pursuant to this Section, the side yards of any lot may be reduced to not less than ten (10) percent of the average lot width or three fee, whichever is greater; provided, however, that such use is first approved under a variance procedure pursuant to Section 17.04.060(C).

2. Lot Splits. Notwithstanding any other provision of this Title, no building permit shall be issued for any lot or parcel which results from the sale of part of a lot or parcel or any other type of lot split wherein any one of the resulting lots or parcels does not meet the zoning requirements which apply to the land at the time unless, prior to sale or split, a variance is granted pursuant to Section 17.04.060 of this Title.

E. Terminations.

1. Amortized Schedule. Every nonconforming use or structure shall be completely removed or altered to conform to the regulations of this Title within the following specified periods of time:

a. Nonconforming uses must discontinue when such uses are either abandoned or changed in use or intensity of use from the date they became nonconforming except as otherwise provided in this Title;

b. Structures for which a building permit is not required shall cease in three (3) years;

c. Structures which contain less than one-hundred (100) square feet shall cease in three (3) years;

d. Outdoor advertising structures shall cease in three (3) years; and

e. All other structures may remain so long as they are not restored or rebuilt to an extent of more than seventy-five (75) percent of their reasonable value or so long as they do not pose a public nuisance; provided, however, they may not be added to or enlarged upon except as required by law or ordinance, or as approved under a variance procedure pursuant to Section 17.04.060(C).

2. Reference Points. The time periods specified in Subsection 17.12.030(E)(1) shall be measured as follows:

a. For nonconforming structures or uses which were in conformity immediately prior to the effective date of this Title, the time period shall be measured from the effective date of this Title.

b. For structures or uses which hereinafter become nonconforming due to any zone change or other amendment to this Title, the time period shall be measured from the effective date of such zone change or amendment.

c. For structures or uses which first became nonconforming by the provisions of any prior City or County ordinance, the time period shall be measured from the date such structures or uses first became nonconforming.

3. Removal. Nonconforming structures and uses are hereby declared to be a public nuisance when they remain beyond the time periods specified herein. Their removal shall be accomplished under the procedures specified in Chapter 5.40.

17.12.040 ARCHITECTURAL FEATURES.

A. Fire Escapes. Fire escapes may extend or project into any required front, side or rear yard not more than four (4) feet; provided, however, that such extensions shall not be closer than three (3) feet to any property line.

B. Open Stairways and Balconies. Open, unenclosed stairways, or balconies not covered by roof or canopy may extend or project into a required rear yard not more than four (4) feet nor into a required front yard by more than thirty (30) inches; provided, however, that such extensions shall not be closer than three (3) feet to any property line.

C. Uncovered Porches, Platforms and Landings. Uncovered porches, platforms, or landing places which do not extend above the level of the first floor of the building, may extend into any required front, side or rear yard not more than six (6) feet; provided, however, that such extensions shall not be closer than three (3) feet to any property line; provided, further, that an open work railing, not more than thirty (30) inches in height may be installed or constructed on any such porch, platform or landing place.

D. Porch Covers and Awnings. Porch covers and awnings which are unenclosed on three or more sides except for necessary supporting columns and reasonable architectural features and which do not extend above the eave lines of the principal structure from which they are attached, may be erected within required side and rear yards up to a distance of not less than three (3) feet from any property line. Covered patios which are enclosed on three or more sides and attached to the principal structure shall be considered to be a part of that structure for the purpose of computing setback requirements.

E. Walls, Fences and Hedges.

1. Standards. Open work fences, guard railings for safety protection purposes and open work architectural features may be located in the required front yard area, provided the height does not exceed three and one-half (3½) feet above the curb elevation at the front property line and provided further that safe sight distance of street traffic is not impaired. Walls, solid fences and boundary hedges shall not exceed a height of two and one-half (2½) feet above the curb elevation at the front property line. A solid fence or wall not more than six (6) feet in height, or a hedge maintained so as not to exceed six (6) feet in height, may be located along the side or rear lot lines, provided such fence, wall or hedge does not extend into the required front yard. The foregoing provisions shall not be constued as to limit the height of retaining walls, except that front yard retaining walls shall not be more than eighteen (18) inches higher than the soil retained and shall not impair safe sight distance of street traffic. No fence or wall shall be constructed of sheet metal nor shall any fence or wall be improved with barbed wire, concertina wire, or any other similar material of a hazardous nature which is visible from any public right-of-way.

2. Ministerial Permit Required. No fence shall be hereafter erected or structurally altered without a Ministerial Permit having first been issued therefor by the City pursuant to Section 17.22.050, unless said fence is provided for in other provisions in this Title.

F. Landscaping. Trees, shrubs, flowers or other such landscaping may be permitted in any required front, side or rear yard. In all other respects, every required front, side or rear yard shall be open and unobstructed from the ground to the sky unless otherwise provided in this Title.

G. Underground Utilities. Except as provided for herein, all utility facilities, including, but not limited to, electrical lines, communication lines, cable television lines, street lighting power supply lines and appurtenances thereto shall be placed underground. Except as provided herein, all utility facilities including service laterals to individual lots shall be installed in the ground prior to the paving of streets. The City Engineer may authorize installation of utility facilities after street improvements are installed if the installation will not require reconstruction or repair of street improvements or if unusual circumstances warrant. Certain utility appurtenances such as, but not limited to, transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts used in connection with underground facilities which cannot, without undue expense, be placed underground, may be placed on the surface of the ground. All necessary arrangements for the installation of utilities shall be made with the operator of each proposed subdivision utility system pursuant to this Section. At the time of approval of the tenative map for the proposed subdivision pursuant to Chapter 16.20, the Planning Commission may modify this requirement for undue hardship. This Section shall not apply to utility lines which do not provide service to the area being subdivided.

H. Accessory Buildings.

1. No accessory buildings in the R-1, R-2, or R-3 zones may exceed one (1) story or fifteen (15) feet in height.

2. An accessory building may occupy not more than twenty-five (25) percent of a required rear yard; provided, however, that no accessory building may be constructed closer than five (5) feet from any property line.

3. Accessory buildings, excluding garages, shall not have a total aggregate floor area in excess of five hundred (500) square feet.

I. Porte Cochere. A porte cochere may be placed over a driveway in a side yard, provided such structure is not more than one (1) story in height, is unenclosed on at least three sides exept for necessary supporting columns and reasonable architectural features and is situated not closer than three (3) feet from the side property line.

J. Roof Structures. Architectural features, eaves, cornices, canopies, belt courses, sills, butresses, or other similar roof structures may [project into required side and rear yards provided] extend or project into required front, side and rear yards not more than three (3) feet; provided, however, that such extensions shall not be closer than three (3) feet to any property line.

17.12.050 LOT AREAS.

A. General. No lot area shall be reduced or diminished so that the yards or other open space shall be smaller than prescribed by this Title, nor shall the density of population be increased in any manner except in conformance with the regulations herein established. No yard or other open space provided around any building for the purpose of complying with the provisions of this Title shall be considered as providing a yard or open space for any other buildings; provided, further, that no yard or open space on an adjoining property shall be considered as providing a yard or open space on a lot whereon a building is to be erected.

B. Building Setbacks. For the purpose of building setback and yard area regulations, multiple-family dwellings with common party walls, including townhouses and condominiums, occupying one or more contiguous lots shall be considered as one building.

C. Rear Yards. In computing the depth of a rear yard, for any building where such yard opens onto an alley, one-half (½) of such alley may be assumed to be a portion of the rear yard, except that where it can be determined which lot or lots the alley was a part of before its dedication, then these lots shall be considered to include that area dedicated as a public alley as a portion of a rear yard area. Building setbacks and lot area requirements, as they apply to rear yards, may be reduced up to seventy-five (75) percent of that required in underlying zone districts for property wherein the rear yard of such property abuts land which is zoned P-R (Park Reserve) as described in Chapter 17.54; provided, however, that no structure may be built closer than five (5) feet of the rear yard property line.

D. Loading Spaces. Loading spaces as required by this Title, may occupy not more than fifty (50) percent of a required rear yard.

17.12.060 TRAILERS AND MOBILE HOMES.

A. Residential Use. No automobile trailer or mobile home shall be used or occupied for living or sleeping purposes unless it complies with the use regulations and development standards applicable to the residential zone district within which it is located.

B. Commercial Use. No automobile trailer or mobile home shall be used for office, retail or any other commercial purpose except in the following situations:

1. An automobile trailer or mobile home may be used as a sales office for new or used trailer sales business if such automobile trailer or mobile home is on the same lot or parcel of land, new or used trailers, other than that for a sales office, are normally kept for display to the public;

2. An automobile trailer or mobile home may be used as a construction shack at the construction site of a construction project for the duration of such project; or

3. An automobile trailer or mobile home in a Mobile Home Park in a residential zone may be used for the conduct of a home occupation upon the same conditions and regulations as apply to single-family residences in the underlying classified zone.

17.12.070 HIGHWAY DEDICATION AND IMPROVEMENT

A. General. Except as provided in Section 17.12.070(D), no building or structure shall be erected or enlarged, and no permit shall be issued therefor, on any lot which abuts a major or secondary highway unless one-half (½) of the highway which is located on the same side of the centerline of the highway as such lot, has been dedicated and improved for the full width of the lot so as to meet the standards for such highway provided in the current standard specifications for public works construction as adopted by the City pursuant to Chapter 10.16 of the Port Hueneme Municipal Code, or such dedication and improvement has been assured to the satisfaction of the City Engineer. As used in this Section, the centerline of the highway means the centers of those major and secondary highways as such highways are shown on the current adopted General Plan Map of the City. No building or structure shall be erected on any such lot after January 6, 1968, within the strict boundary lines as defined by this Section. *

B. Procedures. When the City Engineer determines that the provisions of this Section are applicable to any project for which a permit is required by operation of any Chapter or Section of the Port Hueneme Municipal Code, the City Engineer shall inform the permit applicant of his determination, of the specific requirements of this Section which he determines to be applicable thereto, and of the procedures prescribed below. *

1. Dedication.

a. Processing. Any person required to dedicate land by the provisions of this Section shall make an offer to dedicate property executed by all parties of interest including beneficiaries and trustees in deeds of trust as shown by a current preliminary title report prepared by a title company approved by the City Attorney for that purpose. Such report shall be furnished by the applicant. Such offer shall be on a form approved by the City Attorney and the City Engineer, be in such terms as to be binding on the property owner, the owner's heirs, assigns or successors in *

interest; and shall continue until the City Council accepts or rejects such offer or until one (1) year from the date of such offer is filed with the City Clerk for processing, whichever occurs first. The offer shall provide that the dedication will be complete upon acceptance by the City Council. The offer shall be recorded by the City Clerk in the Office of the County Recorder upon its acceptance. The City Engineer shall accept or reject the offer for recordation within ten (10) days after it is filed with the City Clerk. The offer shall thereafter be promptly processed by the City Departments concerned and submitted to the City Council, in order to complete the dedication within one (1) year. If the offer is rejected by the City Council or not processed within one (1) year, the City Engineer shall issue a release from such offer which shall be recorded in the Office of the County Recorder unless the parties making the offer wish to have the time extended.

b. Disposition. For the purpose of this Section, dedication shall be considered as satisfactorily assured when the City Engineer accepts for recordation the offer to dedicate provided for herein. When the City Engineer accepts the offer to dedicate, he shall so notify those City Departments from which the applicant is required to obtain permits.

2. Improvement.

a. Processing. Any person required to make improvements by the provisions of this Section shall either make and complete the same to the satisfaction of the City Engineer or shall file with the City Engineer a bond in such an amount as the City Engineer shall estimate and determine to be necessary to complete all of the improvements. Provisions governing the issuance and filing of bonds shall be as follows:

1) Bonds may be posted either as a cash bond or a bond executed by a company authorized to act as a surety in the State of California. The bond shall be payable to the City and be conditioned upon the faithful performance of any and all work required to be done, and should such work not be done or completed within the time specified, the City may at its option cause the same to be done or completed, and the parties executing the bond shall be firmly bound under a continuing obligation for the payment of all necessary costs and expenses incurred in the construction thereof. The bond shall be executed by the owner of the lot as principal, and if a surety bond, shall also be executed by a corporation authorized to act as a surety under the laws of the State of California. The bond shall be in such form as it is approved by the City Attorney.

2) Whenever the owner elects to deposit a cash bond, the City is authorized, in the event of any default on the owner's part, to use any or all of the deposit money to cause all of the required work to be done or completed, and for payment of all costs and expenses therefor. Any money remaining shall be refunded to the owner. In the event that the work necessary shall cost more than the money deposited, the owner shall be responsible for said deficiency.

3) When a substantial portion of the required improvement has been completed to the satisfaction of the City Engineer and the completion of the remaining improvements is delayed due to conditions beyond the owner's control, the City Engineer may recommend that the completed portion be accepted by the City Council and may recommend that the City Council consent to a proportionate reduction in the surety bond in an amount estimated and determined by the City Engineer to be adequate to assure the completion of the required improvements remaining to be made.

4) Whenever a surety bond has been filed in compliance with this Section, the City is authorized, in the event of any default on the part of the principal, to enforce collection, under such bond, for any and all damages sustained by the City by reason of any failure on the part of the principal faithfully and properly to do or complete the required improvements, and in addition may cause all of the required work to be done or completed, and the surety upon the bond shall be firmly bound for the payment of all necessary costs thereof. *

5) The term of the bond shall begin on the date of the deposit of cash or the filing of the surety bond and shall end upon the date of the completion to the satisfaction of the City Engineer of all improvements to be made and accepted by the City Council. The fact of such completion shall be endorsed by a statement thereof signed by the City Engineer, and the deposit shall be returned to the owner, or the surety bond may be exonerated at any time thereafter. *

b. Disposition. For the purpose of this Section, improvements shall be considered as satisfactorily assured when the City Engineer accepts the cash or surety bond provided for herein or the improvements required to be made have been completed to the City Engineer's satisfaction. When the City Engineer accepts the bond or the work has been completed to his satisfaction, the City Engineer shall so notify those City Departments from which the applicant is required to obtain permits. *

3. Appeals. *

a. Planning Commission. Any person required to dedicate land or make improvements under the provisions of this Section may appeal any determination made by the City Engineer in the enforcement or administration of the provisions of this Section to the Planning Commission. Such an appeal shall be made in writing unless waived by the applicant, and shall state in clear and concise language the grounds therefor. *

b. City Council. If the applicant is not satisfied with the determination of his appeal by the Planning Commission, the applicant may appeal such determination to the City Council. Such an appeal shall be in writing, shall state in clear and concise language the grounds therefor, and shall be filed with the City Clerk within ten (10) days of the date of the Planning Commission's action which is appealed from. Within twenty (20) days from the date of the filing of such an appeal, the Planning Commission shall transmit the appeal together with all relative information in its files and its report and recommendation thereon to the City Council. *

c. Processing and Disposition. Appeals to the Planning Commission and City Council made pursuant to this Section shall be conducted in the time and manner prescribed in Section 17.22.040(E); provided, however, that no fees shall be charged and no public hearing or notice of the manner need be given. The Planning Commission and the City Council may make such modifications in the requirements of this Section or may grant such waivers or modifications of the determinations which are appealed to them as they shall determine are required to prevent any unreasonable hardship under the facts of each case so long as each such modification or waiver is in conformity with the general spirit and intent of the requirements of this Section. *

4. Fulfillment. When all dedication and improvements required by this Section have been completed or satisfactorily assured, permits required by operation of the Port Hueneme Municipal Code may thereafter be issued. *

C. Standards and Criteria.

1. Limits of Dedication. The maximum area of land required to be dedicated pursuant to this Section shall not exceed twenty-five percent (25%) of the area of any such lot which was of record on the effective date of this Section in the Office of the County Recorde. In no event shall such dedication reduce the lot below the minimum width required by operation of this Title or any area of six thousand (6,000) square feet.

2. Limits of Improvement. No additional improvements shall be required on any lot where complete roadway, curb, gutter and sidewalk improvements exist within the present dedication contiguous thereto.

3. Construction Standards. All major and secondary highways shall be constructed and improved in accordance with the standards contained in the then current standard specifications for public works construction adopted pursuant to Chapter 10.16 of the Port Hueneme Municipal Code. All improvements required to be made by the provisions of this Section shall be done according to said specifications and such special standards as shall be set by the City Engineer.

4. Lot Development Standards. On a lot which is affected by street widening pursuant to the provisions of this Section, all required yards, setbacks, parking area, and all other development standards of the underlying zone district within which the lot is situated shall be measured and calculated from the new lot lines being created by said widening; provided, however, that for the purpose of establishing the required front yard depth on a frontage where the ultimate street line has been determined under the provisions of this Section, the depth of all existing front yards may be measured from such ultimate street boundary instead of the front lot line. In applying all other provisions of this Title, the area of such lot shall be considered as that which existed immediately prior to such required street widening.

5. Alignment Determinations. Whenever uncertainty exists as to the proper application of the provisions of this Section in the matter of street alignment, the City Engineer shall determine their application in conformity with the spirit and intent of this Section.

6. Fees and Improvement Costs. Notwithstanding any other provision of the Port Hueneme Municipal Code to the contrary, no fee shall be charged for the rendering of any service by the City in connection with dedication or improvement required by the provisions of this Section and not a part of a subdivision proceeding. Upon proper application to the City Council and upon recommendation of the City Engineer, the City may accept and provide for the contribution toward the cost of making any improvement required by the provisions of this Section which the City Engineer determines will cost an amount greatly in excess of the cost to other property owners who are required to make improvements under the provisions of this Section in the immediate vicinity of the improvement.

D. Exemptions. The provisions of this Section shall not apply to the following types of projects and classes of development:

1. Single Family Dwellings. One (1) single-family dwellings with customary accessory buildings when erected on a vacant, single legal lot of record, not in conjunction with the construction of two (2) or more such residences.

2. Residential Alterations. Additions and accessory buildings incidental to a residential building legally existing on a lot, provided no additional dwelling units or guest rooms are created. *

3. Commercial Alterations. Additions and accessory buildings incidental to other than a residential building existing on the lot on January 6, 1968, provided that the total cumulative floor area of all such additions and accessory buildings shall not exceed two hundred (200) square feet. *

17.12.080 OIL AND GAS EXPLORATION AND PRODUCTION *

A. General. The purpose of this Section is to establish reasonable and uniform limitations, safeguards and controls for oil and gas exploration and production facilities and operations within the City. These regulations are adopted in the public interest to effect practices which will provide for a more economic recovery of oil, gas and other hydrocarbon substances, and which will ensure that development activities will be conducted in harmony with other uses of land within the City under which the rights of surface and mineral owners are balanced. It is contemplated that areas within the City may be explored for gas and oil by directional drilling methods through which surface drilling and production operations are limited to a few controlled drilling sites so located and spaced as to cause the least detriment to the community and to the public health, safety, comfort, and general welfare. *

B. Definitions. Unless otherwise defined herein, or unless the context clearly indicates otherwise, the definition of petroleum-related terms shall be that used by the Division of Oil and Gas of the State of California. *

1. Controlled Drilling Site. Within the context of this Section, the term "controlled drilling site" shall mean that particular location upon which surface operations incident to oil or gas well drilling or deepening and the production of oil or gas or other hydrocarbon substances may be permitted under the terms of this Section. *

2. Directional Drilling. Within the context of this Section, the term "directional drilling" shall mean whipstocking, or slant drilling from a controlled drilling site. *

3. Operator. Within the context of this Section, the term "opeator" shall mean all persons, corporations and other legal entities who, acting under the authority vested in a petitioner, erects, conducts, or performs any oil or gas related use, opeation or facility within an approved Oil Drilling District. *

4. Petitioner. Within the context of this Section, the term "petitioner" shall mean all persons, corporations and other legal entities who, pursuant to the provisions of this Section, petition the City for the establishment of an Oil Drilling District. *

5. Sensitive Uses. Within the context of this Section, the term "sensitive uses" shall mean all permitted and conditional uses allowed within Residential (R) and Park Reserve (P-R) Zones as listed in this Title. *

C. Oil Drilling Districts. No oil or gas related use, operation or facility shall be permitted within the City unless such use, operation or facility is conducted within an approved Oil Drilling District in compliance with the conditions adopted pursuant thereto and development standards prescribed herein. *

1. Establishment of Districts. The procedure for the establishment of Oil Drilling Districts shall be the same as that prescribed in Section 17.04.050 for the amendment of zone boundaries. The Director of Community Development shall prescribe a form of petition which shall include such requests for information as may be required to permit a full consideration of the merits of the request and operating conditions to be imposed hereunder.

a. Development Plan. For the purpose of Section 17.22.030(C)(5), a development plan shall accompany all applications for the establishment of Oil Drilling Districts, which plan shall include the following information:

1) The location of drilling and/or production sites, storage tanks, pipelines and access roads.

2) Plans for the consolidation, to the maximum extent feasible, of drilling and/or production facilities, together with accessory facilities.

3) A phasing plan for the staging of development which indicates the approximate anticipated time table for project installation, completion and decommissioning.

4) A plan for eliminating or substantially mitigating adverse impacts on surrounding land uses including scenic resources and archaeological sites due to siting, construction, or operation of facilities.

5) Grading plans for all facilities requiring the movement of greater than fifty (50) cubic yards of dirt.

6) A description of means by which all oil and gas will be transported off-site to a marketing point.

7) A description of the procedures for the transport and disposal of all solid and liquid waste.

8) Oil spill prevention and control measures.

9) Fire prevention procedures. *

10) Emission control equipment.

11) Procedures for the abandonment and restoration of the site. *

12) Compliance with any other requirement of the Port Hueneme Municipal Code related to oil and gas development.

b. Minimum Requirements. An Oil Drilling District shall not be established unless it meets the following requirements:

1) Each District shall not be less than sixty (60) acres in area and may not include land included within any other Oil Drilling District.

2) Not more than one (1) Controlled Drilling Site shall be permitted for each sixty (60) acres in any Oil Drilling District and such site shall not be larger than two (2) acres.

3) The number of wells which may be drilled from any Controlled Drilling Site shall not exceed one (1) well for each five (5) acres in the Oil Drilling District. *

4) No petition for a establishment of an Oil Drilling District may be granted unless the petition is signed by persons having the proprietary or contractual authority to extract oil under the surface of at least fifty-one percent (51%) of the property in the Oil Drilling District proposed. *

c. Conditions of Development. In addition to the Development Standards prescribed in Section 17.12.080(C)(2), conditions may be imposed requisite to creation of any Oil Drilling District as are necessary and reasonable to ensure that the operations to be conducted within such District shall not adversely affect the health, safety, or welfare of any resident of the City, shall not adversely affect the value of property located within such District, shall not constitute a nuisance, and shall not create such a condition of noise, odors, air emissions, vibrations, or other factors of nuisance and annoyance as to disturb residents or persons doing business within such District, and if potentially injurous or detrimental effects cannot be mitigated by the imposition of reasonable conditions, then the petition for the creation of such District shall be denied. *

1) General Guidelines. The general guidelines which follow shall be used in the development of conditions which will help ensure that oil development projects generate minimal negative impacts on the environment. These guidelines shall be applied whenever physically and economically feasible and practicable, unless the strict application of a particular guideline would otherwise defeat the intent of other guidelines. A petitioner should use these guidelines in the design and development of a project and anticipate their use as conditions requisite to creation of an Oil Drilling District, unless the petitioner can demonstrate that they are not feasible or practicable. *

a) Oil Drilling Districts and Controlled Drilling Sites should coincide and should only be as large as necessary to accommodate typical drilling and production equipment in fields of exploration. *

b) Controlled Drilling Sites and production facilities should be located so that they are not readily visible. *

c) Pipelines should be used to transport petroleum products off-site to promote traffic safety and air quality. *

d) Gas from wells should be piped to centralized collection and processing facilities, rather than being flared, to preserve energy resources and air quality and to reduce fire hazards and light sources. *

e) Oversized vehicles should be preceded by lead vehicles, where necessary for traffic safety. *

f) Lighting should be kept to a minimum to approximate normal night time light levels. *

g) In general, projects should be located, designed and operated so as to minimize their adverse impact on the physical and social environment. To this end, dust, noise, vibration, noxious odors, intrusive light, *

aesthetic impacts and other factors of nuisance and annoyance should be reduced to a minimum or eliminated through the best accepted practices incident to the exploration and production of oil and gas.

2) Applicability. The creation of an Oil Drilling District shall not relieve a petitioner or operator of the responsibility of securing and complying with any other permit which may be required by other City Ordinances, or State or Federal laws. No condition imposed upon the creation of an Oil Drilling District shall be interpreted as permitting or requiring any violation of law, or any lawful regulations or rules or orders of any authorized governmental agency. In instances where more more than one (1) set of rules apply, the stricter one shall take precedence. Nothing herein shall be construed or interpreted as to restrict or limit the types of conditions which may be imposed upon operation or physical conditions within any Oil Drilling District.

2. Development Standards. The Development Standards specified below constitute minimum standards and criteria which apply to all Oil Drilling Districts. More restrictive requirements may be imposed as are necessary and appropriate pursuant to Section 17.12.080(C)(1)(c).

a. Setbacks. No well shall be drilled and no equipment or facilities shall be permanently located within:

1) One-hundred (100) feet of any dedicated public street, highway, or nearest rail of a railway being used as such.

2) Five-hundred (500) feet of any building or dwelling not necessary to the operation of the well, unless a waiver is signed by all the occupants of said structures, allowing the setback to be reduced. In no case shall the well be located less than one-hundred (100) feet from said structures.

3) Five-hundred (500) feet of any building used as a place of public assemblage, institution, or school, unless a waiver is signed by the owners of said facilities, allowing the setback to be reduced. In no case shall the well be located less than three-hundred (300) feet from said structures.

4) Three-hundred (300) feet from the edge of the existing banks of "Red Line" channels as established by the Ventura County Flood Control District and one-hundred (100) feet from the existing banks of all other channels appearing on the most current United.States Geological Service 2,000' scale topographic map as a blueline. These setbacks shall prevail unless it can be demonstrated to the satisfaction of the Public Works Agency of the County of Ventura that the subject use can be safely located near the stream or channel in question without posing an undue risk of water pollution, damage to wildlife and habitat, and impairment of flood control interests. In no case shall setbacks from streams or channels be less than fifty (50) feet. All drill sites located within the 100-year flood plain shall be protected from flooding in accordance with Flood Control District requirements.

5) The applicable setbacks for accessory structures for the zone in which the use is located.

b. Obstruction of Drainage Courses. Drill sites and access roads shall not obstruct natural drainage courses, unless such courses are diverted or channeled subject to approval and specification of the Director of Public Works.

c. Removal of Equipment. All equipment used for drilling, redrilling, and maintenance work on approved wells shall be removed from the site within thirty (30) days of the completion of such work. *

d. Containment of Contaminates. Oil, produced water, drilling fluids, cuttings, and other contaminates associated with the drilling, production, storage, and transport of oil shall be contained on the site unless properly transported off-site or injected into a well. The petitioner, in conjunction with the Development Plan required pursuant to Section 17.12.080(C)(1)(a), shall furnish plans for controlling oil spillage and preventing saline or other polluting or contaminating substances from reaching surface or subsurface waters. Said plans shall be consistent with the requirements of all governmental agencies having jurisdiction. *

e. Securities. Prior to the commencement of drilling or other uses within an approved Oil Drilling District, each operator shall file, in a form acceptable to the City Attorney and certified by the City Clerk, a bond or other security in the penal amount of not less than $10,000.00 for each well that is drilled or to be drilled. Any operator may, in lieu of filing such a security for each well drilled, redrilled, produced or maintained, file a security in the penal amount of not less than $10,000.00 to cover all operations conducted in the City, conditioned upon the operator well and truly obeying, fulfilling and performing each and every term and provision governing the Oil Drilling Districts within which the operator is to perform. In cases of any failure by the operator to perform or comply with any term or provision thereof, the Planning Commission may, after notice to the operator and a public hearing, by resolution, determine the amount of the penalty and declare all or part of the security forfeited in accordance with its provisions. The sureties and principal will have joint and severable obligation to pay forthwith the amount of the forfeiture to the City. The forfeiture of any security shall not insulate the operator from liability in excess of the sum of the security for damages or injury, or expense or liability suffered by the City from any breach by operator of any term or condition imposed herein or of any applicable ordinance or of the security. No security shall be exonerated until after all the applicable conditions of the Oil Drilling District have been complied. *

f. Dust Prevention. The drill site and all roads or hauling routes located between the public right-of-way and the subject site shall be improved or otherwise treated as required by the City and maintained as necessary to prevent the emanation of dust. *

g. Light Emanation. Light emanation shall be controlled so as not to produce excessive levels of glare or abnormal light levels directed at any neighboring uses. *

h. Reporting Accidents. All operators shall immediately notify the Director of Community Development, Chief of Police and Fire Department and all other applicable agencies in the event of fire, spills or hazardous conditions not incidental to the normal operations at the project site. Upon request of any City Department, the operator shall provide a written report of any incident within seven (7) calendar days which shall include, but not be limited to, a description of the facts of the incident, the corrective measures used and the steps taken to prevent reoccurrence of the incident. *

i. Painting. All permanent facilities, structures, and above ground pipelines on the site shall be colored so as to mask the facilities from the surrounding environment and uses in the area. Said colors shall also take into account such additional factors as heat build-up and designation of danger areas. *

Said colors shall be approved by the Director of Community Development prior to painting of said facilities.

j. Site Maintenance. The site of all oil and gas related uses, operations and facilities within approved Oil Drilling Districts shall be maintained in a neat and orderly manner so as not to create any hazardous or unsightly conditions such as debris, pools of oil, water or other liquids, weeds, brush, and trash. Equipment and materials may be stored on the site which are appurtenant to the operation and maintenance of the oil well located thereon. If the well has been suspended, idled or shut-in for thirty (30) days, as determined by the Division of Oil and Gas, all such equipment and materials shall be removed within ninety (90) days. *

k. Site Restoration. Within ninety (90) days of revocation, expiration, or surrender of any entitlement for use, operation or facility within an approved Oil Drilling Distirct, or abandonment of the same, the operator shall restore and revegetate the premises to as nearly as original condition as is practicable, unless otherwise requested by the land owner. *

l. Insurance. Each operator shall maintain, for the duration of operations conducted within an approved Oil Drilling District, liability insurance of not less than $500,000 for one person and $1,000,000 for all persons and $2,000,000 for property damage. This requirement shall not preclude an operator from being self-insured.

m. Noise Standard. Unless herein exempted, drilling, production, and maintenance operations conducted within an approved Oil Drilling District shall not produce noise, measured at a point outside of occupied sensitive uses that exceeds the following standard or any other more restrictive standard that may be established as a condition of such Oil Drilling District. Noise from the project site shall be considered in excess of the standard when the average sound level, measured over one (1) hour, is greater than the standard that follows. The determination of whether a violation has occurred shall be made in accordance with the provisions of the conditions imposed upon the Oil Drilling District within which the alleged violation has occurred.

	Average Noise Levels (LEQ)	
Time Period	Drilling and Maintenance Phase	Production Phase
Day (7:00 a.m. to 7:00 p.m.)	55 dBA	45 dBA
Night (7:00 p.m. to 7:00 a.m.)	45 dBA	40 dBA

For purposes of this Section, a well is in the "producing phase" when hydrocarbons are being extracted or when the well is idled and not undergoing maintenance. It is presumed that a well is in the "drilling and maintenance phase" when not in the "producing phase." Nomenclature and noise level descriptor definitions are in accordance with ANSI Sec. 3.33-1980, "Second Level Descriptors for Determination of Compatible Land Use." Measurement procedures shall be in accordance with the adopted "Noise Measurement Guidelines and Procedures."

n. Exceptions to Noise Standard. The noise standard established pursuant to Section 17.12.080(C)(2)(m) shall not be exceeded unless exempted under any of the following provisions: *

1) Where the ambient noise level exceed the applicable noise standards. In such cases, the maximum allowable noise levels shall not exceed the ambient noise levels. *

2) Where the owners and occupants of sensitive uses have signed a waiver pursuant to Section 17.12.080(C)(2)(s) indicating that they aware that drilling and production operations could exceed the allowable noise standard and that they are willing to experience such noise levels. The applicable noise levels shall apply at all locations where the owners and occupants did not sign such a waiver. *

o. Compliance With Noise Standard. When an operator has been notified by the Department of Community Development that his operation is in violation of the applicable noise standard, he shall correct the problem as soon as possible in coordination with the Department of Community Development. If the noise problem has not been corrected by 7:00 p.m. of the following day, the offending operations, except for those deemed necessary for safety reasons by the Director of Community Development upon the advice of the Division of Oil and Gas, shall be suspended until the problem is corrected. *

p. Preventative Noise Insulation. If drilling, redrilling, or maintenance operations, such as pulling pipe or pumps are located within 1,600 feet of an occupied sensitive use, the work platform, engine base and draw works, ground block, power sources, pipe rack and other probable noise sources associated with a drilling or maintenance operation shall be enclosed with soundproofing sufficient to ensure that expected noise levels do not exceed the noise limits applicable to the Oil Drilling District. Such soundproofing shall be installed prior to commencement of drilling or maintenance activities. The requirements may be waived if the operator can demonstrate that the applicable noise standard can be met or that all parties within the prescribed distance sign a waiver pursuant to Section 17.12.080(C)(2)(s). *

q. Hours of Well Maintenance. All non-emergency maintenance of a well, such as the pulling of pipe and replacement of pumps, shall be limited to the hours of 7:00 a.m. to 7:00 p.m. of the same day if the well site is located within 3,000 feet of an occupied residence. The requirements may be waived by the Director of Community Development if the operator can demonstrate that the applicable noise standards can be met or that all applicable parties within the prescribed distrance has signed a waiver pursuant to Section 17.12.080(C)(2)(s). *

r. Limited Drilling Hours. All drilling activities shall be limited to the hours of 7:00 a.m. through 7:00 p.m. of the same day when they occur less than eight hundred (800) feet from an occupied sensitive use. Night time drilling shall be permitted if it can be demonstrated to the satisfaction of the Director of Community Development that applicable noise standards can be met or that all applicable parties within the prescribed distance have signed a waiver pursuant to Section 17.12.080(C)(2)(s). *

s. Waivers. Where provisions exist for the waiver of a Development Standard prescribed in this Section, the waiver must be signed by all adult occupants of a dwelling, or in the case of other sensitive uses, by the owner of the use in question. Once a waiver is granted, the operator is exempt from the corresponding Development Standard for the duration of time which the operator performs operations within an approved Oil Drilling District. Unless otherwise stated by the signatory, a waiver signed pursuant to Section 17.12.080(C)(2)(n) shall also be considered a waiver applicable to Sections 17.12.080(C)(2)(p),(q), and (r). *

t. Application of Sensitive Use Related Standards. The imposition of regulations on oil and gas operations, which are based on distances from occupied sensitive uses, shall only apply to those occupied sensitive uses which were in existence at the time of establishment of an Oil Drilling District; provided, further that waivers duly executed pursuant to Section 17.12.080(C)(2)(s) shall bind all subsequent owners and occupants of sensitive uses until cessation of the use, operation or facility to which such waiver pertains.

u. Pipelines. When feasible, pipelines shall be routed to avoid areas of sensitive use. Unavoidable routing through such areas shall be done in such a manner as to minimize the impacts of a spill, should it occur, by considering spill volumes, durations, and projected path. Pipeline segments shall be isolated, in the case of a break, by automatic shutoff valves. In addition, the following provisions shall apply:

1) Biological Impaction. Prior to installation, a survey by a qualified expert in biological resources shall be conducted along the route of any pipeline to determine what, if any, biological resources may be impacted by construction and operation of a pipeline and to recommend any feasible mitigation measures. The cost of the survey shall be borne by the petitioner pursuant to Section 17.12.080(C)(1), and may be conducted as part of environmental review pursuant to Section 17.22.030(B)(2)(b). The recommended mitigation measures shall be incorporated as part of the establishment of an Oil Drilling District.

2) Geological Impaction. Prior to installation, geologic investigations shall be performed by qualified geologist or engineering geologist where a proposed petroleum pipeline route crosses potential faulting zones, seismically active areas, or other such areas of similar geologic risk. This report should investigate the potential risk and recommend such mitigation measures as pipeline route changes and/or engineering measures to help assure the integrity of the pipeline and minimize erosion, geologic instability, and substantial alterations of the natural topography. The recommended measures shall be incorporated as part of the approval of an Oil Drilling District. New pipeline corridors should be consolidated with existing pipeline or electrical transmission corridors where feasible unless there are overriding technical constraints or significant social, aesthetic, environmental, or economic reasons to do otherwise.

3) Site Restoration. Upon completion of pipeline construction, the site shall be restored to the approximate previous grade and condition. All sites previously covered with natural vegetation shall be reseeded with the same or recovered with the previously removed vegetative materials and should include other measures deemed necessary to prevent erosion until the vegetation can become established.

CHAPTER 17.14

USE AND MAINTENANCE STANDARDS

17.14.010 PURPOSE. The purpose of this Chapter is to protect the health, safety and welfare of the residents of the City, to regulate buildings used for human habitation in conformance with Part 1.5, Division 13 of the Health and Safety Code of the State of California, and to provide an orderly method of eliminating blighting influences which cause neighborhood deterioration.

17.14.020 PROPERTY MAINTENANCE.

A. General. For the purpose of this Chapter, "Property Maintenance" shall mean the external components and their state of repair of any real property within the City, including, but not limited to, structures, accessory structures, landscaping, appurtenances, or any other aspects of real property which are visible from any public right-of-way.

B. Deficient Structures. It shall be unlawful and a public nuisance for any person owning, leasing, occupying or having charge or possession of any real property in this City to maintain such property in such a manner that any of the following conditions are found to exist thereon:

1. Buildings that are left in a state of partial construction after expiration of a building permit or buildings which are abandoned, boarded up, or partially destroyed;

2. Buildings which are susceptible to dry rot, warping or termite infestation as a result of unpainted, chipped or peeling exteriors;

3. Buildings which contain or house broken windows; or

4. Building exteriors which are maintained in such an unsightly, defective, deteriorated, or disrepaired fashion that the same causes significant diminuation of the property values of surrounding property. This condition includes, but is not limited to, unsightly and unnecessary markings, drawings, decorations, or graffiti on exterior surfaces which are visible from any public right-of-way; or any device, design, fence, accessory structure, clothesline, or vegetation which is unsightly by reason of its condition or location.

C. Property Nuisances. It shall be unlawful and a public nuisance for any person owning, leasing, occupying or having charge or possession of any real property or premises in this City to allow any of the following uses or conditions to exist upon such real property or premises:

1. Overgrown vegetation, dead trees, weeds or debris;

2. Storage or parking of equipment, machinery, or vehicles, either operative or inoperative, in front yards, unscreened side yards or any other yard areas not otherwise required by this Title which are visible from any public right-of-way; provided, however, operable campers, boats, automobile trailers, trucks of less than six-thousand (6,000) pounds gross vehicle weight, and automobiles may be parked on a monolithic asphalt-concrete or portland cement slab or driveway which covers less than

fifty (50) percent of the required front yard area and is connected to a public right-of-way by a curb cut;

3. Hazardous pools, ponds or excavations;

4. Storage of packing boxes, broken or discarded furniture, household equipment, applicances, or garbage cans in front yards, unscreened side yards or any other yard areas not otherwise required by this Title which are visible from any public right-of-way; provided, however, that refuse awaiting collection by the City in compliance with this Title shall be exempt from this standard;

5. Clotheslines in front yards or unscreened side yards which are visible from any public right-of-way;

6. Conditions which constitute a public nuisance as defined by Section 3480 of the Civil Code of the State of California;

7. Real property or premises so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminuation of the enjoyment, use or property values of such adjacent properties; or

8. Real property or premises in such a condition as to depreciate values of neighboring properties to such an extent that the capacity to pay taxes is reduced and tax receipts for such neighboring properties are inadequate for the cost of public services rendered therein.

D. Housing Code Violations. The Uniform Housing Code, [1979] latest edition, as approved by the International Conference of Building Officials is hereby adopted as the Housing Code of this City. The purpose of this Housing Code is to provide minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public and the owners and occupants of residential buildings. Nuisance conditions in violation of the Housing Code include, but are not limited to, the following:

1. Any public nuisance known at common law or equity jurisprudence;

2. Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors;

3. Whatever is dangerous to human life or is detrimental to health, as determined by the Health Officer;

4. Insufficient ventilation or illumination;

5. Overcrowding of a room with occupants;

6. Inadequate or unsanitary sewage or plumbing facilities;

7. Uncleanliness, as determined by the Health Officer; or

8. Whatever renders air, food, or drink unwholesome or detrimental to the health of human beings, as determined by the Health Officer.

E. Substandard Buildings. Under the provisions of the Housing Code, any building or portion thereof, including any dwelling unit, guest room, or suite of rooms, or the premises on which the same is located, in which there exists any of the below listed conditions to an extent [to] that endanger life, limb, health, property, safety, or welfare of the public or occupants thereof, shall be deemed and is hereby declared to be a substandard building. * * *

1. Inadequate Sanitation. Inadequate sanitation shall include, but not be limited to, the following:

a. Lack of, or improper water closet, lavatory, or bathtub or shower in a dwelling unit or lodging house; *

b. Lack of, or improper water closets, lavatories, and bathtubs or showers per number of guests in a hotel;

c. Lack of, or improper kitchen sink, in a dwelling unit; *

d. Lack of hot and cold running water to plumbing fixtures in a hotel;

e. Lack of hot and cold running water to plumbing fixtures in a dwelling unit or lodging house; *

f. Lack of adequate heating facilities;

g. Lack of, or improper operation of required ventilation equipment;

h. Lack of the minimum amounts of natural light or ventilation required by the Housing Code;

i. Room and space dimensions less than required by the Housing Code;

j. Lack of required electrical lighting;

k. Dampness of habitable rooms;

l. Infestation of insects, vermin or rodents as determined by the Health Officer;

m. General dilapidation or improper maintenance;

n. Lack of connection to required sewage disposal system; or

o. Lack of adequate garbage and rubbish storage and removal facilities as determined by the Health Officer.

2. Structural Hazards. All structural hazards shall include, but not be limited to, the following:

a. Deteriorated or inadequate foundations;

b. Defective or deteriorated flooring or floor supports;

c. Flooring or floor supports in insufficient size to carry imposed loads with safety;

d. Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration;

e. Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety;

f. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration;

g. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle or of insufficient size to carry imposed loads with safety;

h. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration; or

i. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

3. Hazardous Wiring. All wiring except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and is being used in a safe manner.

4. Hazardous Plumbing. All plumbing except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good condition and which is free of cross-connections and siphonage between fixtures.

5. Hazardous Mechanical Equipment. All mechanical equipment, including vents, except that which conformed with all applicable laws in effect at the time of installation and which has been maintained in good and safe condition.

6. [Inadequate] Faulty Weather Protection. All faulty weather protection* including, but not limited to, any of the following:

a. Deteriorated, crumbling or loose plaster;

b. Deteriorated or ineffective water proofing of exterior walls, roof, foundation, or floors, including broken windows or doors;

c. Defective or lack of weather protection for exterior wall coverings, including lack of paint or weathering due to lack of paint or other approved protective covering; or

d. Broken, rotted, split or buckled exterior wall coverings or roof coverings.

7. Fire Hazards. Any building or portion thereof, device, apparatus, equipment, combustible waste, or vegetation which, in the opinion of the chief of the fire department or his deputy, is in such condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of a fire or explosion arising from any cause.

8. Faulty Materials of Construction. All materials of construction except those which are specifically allowed or approved by the Housing Code and the Uniform

Building Code, adopted pursuant to Title 14 of the Port Hueneme Municipal Code, and which have been adequately maintained in good and safe condition.

9. Hazardous or Insanitary Premises. Hazardous or insanitary premises which are hereby defined as premises upon which exist an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborage, stagnant water, combustible materials, and similar materials or conditions which constitute fire, health or safety hazards.

10. Inadequate Maintenance. Any building or portion thereof which is determined to be an unsafe building in accordance with Section 203 of the Uniform Building Code.

11. Inadequate Exits. All buildings or portions thereof not provided with adequate exit facilities as required by the Housing Code except those buildings or portions thereof whose exit facilities conformed with all applicable laws in effect at the time of their construction and which have been adequately maintained and increased in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

12. Inadequate Fire Protection or Fire-Fighting Equipment. All buildings or portions thereof which are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by the Housing Code except those buildings or portions thereof which conformed with all applicable laws in effect at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

13. Improper Occupancy. All buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies.

F. Dangerous Buildings. The Uniform Code for the Abatement of Dangerous Buildings, [1979] latest edition, as approved by the International Conference of Building Officials, is hereby adopted as the Dangerous Building Code of this City. Any building or structure which has any or all of the following conditions or defects shall be deemed to be a dangerous building, provided that such conditions exist to the extent that the life, health, property or safety of the public or its occupants are endangered: *

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic;

2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic;

3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half the working stress or stresses allowed in the Uniform Building Code for new buildings of similar structure, purpose or location;

4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less

than the minimum requirements of the Uniform Building Code for new buildings of similar structure, purpose or location;

5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property;

6. Whenever any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half of that specified in the Uniform Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Uniform Building Code for such buildings;

7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction;

8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse;

9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used;

10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base;

11. Whenever the building or structure, exclusive of the foundation, shows thirty-three (33) percent or more damage or deterioration of its supporting member or members, or fifty (50) percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings;

12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts;

13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirements or prohibition applicable to such building or structure provided by the building regulations adopted pursuant to Title 14 of the Port Hueneme Municipal Code, as specified in the Uniform Building Code or Housing Code, or of any law or ordinance of this City or State of California relating to the condition, location or structure of buildings;

14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than fifty (50) percent, or in any supporting part, member, or portion less than sixty-six (66) percent of the (i) strength; (ii) fire-resisting qualities or characteristics; or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location;

15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Health Officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease;

16. Whenever any building or structure, because of obsolescence, dilapidation, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard;

17. Whenever any building or structure is in such condition as to constitute a public nuisance known to the common law or in equity jurisprudence; or

18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

17.14.030 PERFORMANCE STANDARDS.

A. General. For the purposes of this Chapter, "Performance Standards" shall mean the limits within which any real property within the City may be used, including, but not limited to, any operation or process conducted thereon.

B. Criteria. It shall be unlawful and a public nuisance for any person owning, leasing, occupying, or having charge or possession of any real property in this City to maintain or use such real property in such a manner that any of the following conditions are found to exist thereon:

1. Fire and Explosion Hazards. Storage of flammable or explosive materials which are provided without adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire-suppression equipment and devices, standard in the industry. Burning of waste materials, except the burning of agricultural materials, in open fire is prohibited at any point;

2. Fissionable, Radioactivity or Electrical Disturbance. Storage or use of fissionable or radioactive material, if their use or storage results at any time in the release or emission of any fissionable or radioactive material into the atmosphere, the ground, or sewage systems, or any activities which emit electrical disturbances, affecting the operation at any point of any equipment other than that of the creator of such disturbance;

3. Glare, Humidity, Heat and Cold. Direct or sky-reflected glare, whether from flood lights or from high temperature processes, or humidity, heat or cold which is produced and is perceptible without instruments by the average person at the points of measurement specified;

4. Liquid and Solid Wastes. Discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any material of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, except in accordance with standards approved by the California Department of Public Health or such other governmental agency as shall have jurisdiction over such activities;

5. Odors. Emissions or odorous gases or other odorous matter which is produced in such quantities as to be readily detectible by the average person at the points of measurement specified;

6. Particulate Matter and Air Contaminants. Emissions, including but not limited to, fly ash, dust, fumes, vapors, gases, and other forms of air contaminants which are produced from any facility or activity which are readily detectible without instrument by the average person at the points of measurement specified which can cause any damage to health, animals, vegetation or other forms of property, or which can cause excessive soiling at any point;

7. Smoke. Emissions produced at any point of visible gray smoke of a shade equal to or darker than Ringlemann No. 1 or its equivalent opacity for more than three (3) minutes in any one (1) hour period;

8. Vibration. Ground vibration which is produced and is discernible without instruments to the average person at the points of measurement specified. Ground vibration caused by motor vehicles, trains, aircraft, and temporary construction or demolition work is exempted from this standard; or

9. Prohibition of Dangerous Elements. Land or buildings which are used or occupied in any manner so as to create any dangerous, noxious, injurous or otherwise objectionable fire, explosive or other hazard; noise or vibration; glare; liquid or solid refuse or waste; or other dangerous or objectionable substance, condition, or element in such a manner or such an amount as to adversely affect other uses.

C. Effect of Other Regulations. Any use, process or operation subject to the criteria specified in Section 17.12.030(B) shall comply with all other authorized governmental standards or regulations which are in effect in this City. More restrictive performance standards or regulations enacted by an authorized governmental agency having jurisdiction in this City on such matters, will take precedence over the provisions of said criteria.

D. Exceptions. Exceptions to the criteria specified in Section 17.14.030(B) may be made during brief periods for reasons such as equipment shakedown, breakdown of equipment, modification or cleaning of equipment, or other similar reasons, when it is evident that such cause was not reasonable preventable. The criteria specified in Section 17.14.030(B) shall not apply to the operation of motor vehicles or other transportation equipment unless otherwise specified in this Title.

17.14.040 ENFORCEMENT. In addition to being an infraction, all or any part of premises found to be maintained or used in violation of the provisions of this Chapter are declared to be a public nuisance and may be abated by rehabilitation, demolition, or repair pursuant to the procedures set forth in this Section. No provision of this Chapter shall be deemed to prevent the City from commencing civil or criminal proceedings to abate a public nuisance under the applicable provisions of the law of the State of California in addition to the proceedings provided herein.

A. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever the Building Official or Code Enforcement Officer or their authorized representatives has reasonable cause to believe that there exists in any building or premises unsafe, dangerous or hazardous conditions, the Building Official or Code Enforcement Officer or their authorized representatives shall have recourse to every remedy provided by law to secure entry.

When the Building Official or Code Enforcement Officer or their authorized representatives shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official or Code Enforcement Officer or their authorized representatives for the purpose of inspection and examination pursuant to this Chapter.

B. Findings of Nuisance. Whenever a finding is made that premises within the City are suspected of being maintained or used contrary to one or more of the provisions of this Chapter, the following procedures shall be initiated:

1. Property Maintenance. If a suspected violation relates to Section 17.14.020, written notice shall be given to the owner or occupant of such premises, stating the violation and applicable Section of this Chapter. Such notice shall set forth a thirty (30) days time limit for correction of the violation and may also set forth suggested methods of correcting the same. Such notice shall be served upon the owner or occupant of said premises in person or by certified mail, postage prepaid, return receipt requested, to the owner as his address appears on the last equalized assessment roll of the County of Ventura or to the occupant at his mailing address. Service by certified mail in the manner above provided shall be effective on the date of receipt of such notice.

2. Performance Standards. If a suspected violation relates to Section 17.14.030, written notice shall be given to the owner or operator of the use of said premises, stating the violation and applicable Section of this Chapter. Such notice shall set forth a reasonable time period within which to submit such data and evidence as needed to make a final determination, including but not limited to, the following items:

a. Plans of construction and development;

b. A description of machinery, processes and products;

c. Specifications for the mechanisms and techniques used or proposed to be used in restricting the emission of any dangerous or objectinable elements as set forth in Section 17.14.030; and

d. Measurements of the amount of weight of emission of said dangerous or objectionable elements.

Failure to submit required data within the time specified will constitute grounds for revoking any previous City approval of use, and the owner or operator of the use on said premises may be ordered to cease and desist all operations until the violation is remedied. During the course of an investigation pursuant to making a final determination as to violation of Section 17.14.030, the City may require the owner or operator of the use on said premises to direct an expert consultant or consultants to advise how the use in violation may be brought into compliance with Seciton 17.14.030. Such consultants will be fully qualified to give the required information and will be a person or firm mutually agreeable to the City and to the owner or operator of the premises in question. The cost of the consultant's services shall be borne by either the owner or operator of said premises. Subsequent to making a final determination as to an alleged violation under Section 17.14.030, the City shall make its findings in writing to the owner or operator of the premises upon which a violation exists. The City may require modifications or alterations in the construction or operational procedures on said premises to insure that compliance with

Section 17.14.030 is maintained. The owner or operator of such premises shall be given a reasonable length of time to effect any changes prescribed by the City. If, after the conclusion of time granted for compliance, the violation is still found to be in existance, any approvals previously granted by the City shall be void and the operator shall be required to cease operation until the violation is remedied.

C. Appeals. Any person entitled to service under the provisions of this Chapter may appeal from any notice, order or any other action of the City under this Chapter by filing with the Department of Community Development a written appeal on forms prescribed by the City within ten (10) days after written receipt of the notice described in Section 17.14.040(A). Failure of any person to file an appeal in accordance with the provisions of this Chapter shall constitute a waiver of all rights to an administrative hearing.

1. Housing Advisory and Appeals Board. In order to provide for final interpretation of the provisions of this Chapter and to hear appeals provided for hereunder, there is hereby established a Housing Advisory and Appeals Board. This Board shall be the Planning Commission of the City of Port Hueneme.

2. Processing of Appeals. Upon receipt of an appeal filed pursuant to this Chapter, the appeal shall be heard at a date not earlier than ten (10) days nor later than forty-five (45) days from the date the appeal is filed. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to each appellant personally or by mailing a copy thereof, postage prepaid, addressed to the applicant at the address shown on the appeal. At the conclusion of the appeal hearing, the Housing Advisory and Appeals Board may either render a decision in writing complete with findings of fact, or may take the matter under submission and ask for submittals of findings of facts both by the appellant and by City staff. If the matter is taken under submission, a decision shall be made at the next regular meeting of the Planning Commission, unless time is waived by the appellant and the decision shall be delivered to the appellant personally or sent to the appellant by certified mail, postage prepaid, at the address listed in the appeal. The effective date of said decision shall be stated and shall be deemed final and conclusive adjudication of any appeal filed under the provisions of this Chapter.

CHAPTER 17.18

DEVELOPMENT STANDARDS

17.18.010 PURPOSE. The purpose of this Chapter is to provide minimum standards to safeguard life, health, property and public welfare by regulating the design, materials, construction, location and maintenance of off-street parking, landscaping and signs.

17.18.020 OFF-STREET PARKING.

A. General. No building or land shall be used and no building shall be hereafter erected or structurally altered unless such uses and improvements comply with the provisions of this Section.

B. Parking Required.

1. Number by Use. The number of off-street parking spaces required shall not be less than as set forth below and if the aggregate number of parking spaces required results in a fraction of a space, the next highest whole number of spaces shall be required. Where square footage is used as a determinate of off-street parking requirements, excluded from the computation shall be that area devoted to restrooms, stairwells and utility shafts, balconies and other such architectural features of a nature not pertinent to the use as determined by the Director of Community Development.

USE	PARKING SPACE REQUIRED
a. Residential Types.	
[One and two-family dwellings] One family dwellings, mobile homes and two-family dwellings	Two for each dwelling unit; both spaces contained within an enclosed garage. *
Multiple-family dwellings	One and one-half for each dwelling unit of less than two bedrooms and two for each dwelling units of two or more bedrooms, one-half of all apartment parking covered; all parking for townhouses and condominiums covered with a minimum of one enclosed garage space for each unit.
Rooming houses, boarding houses, clubs or fraternities and the like, having sleeping rooms	One and one-half for each sleeping room or one for each non-kitchen unit, one for each 250 square feet of office space and one guest space for each five units. Residential care facilities, day care centers, lodging houses and boarding houses listed as permitted uses within a residential zone shall require no additional parking beyond that required for the type of dwelling within which such uses occur. *

USE	PARKING SPACE REQUIRED
Hotels, motels, boatels and the like	One and one-half for each kitchen unit, one for each non-kitchen unit, one for each 250 square feet of office space and one guest space for each five units.
b. Institutional Types.	
Hospitals, sanitariums, childrens' homes, homes for the aged, nursing homes and the like	One for each two beds and one for each two employees on the largest shift.
Churches, clubs and lodges	One for each four seats or one for each 28 square feet of the general assembly room or auditorium, whichever is greater.
Libraries, museums, gallaries and the like	One for each 250 square feet of total floor space.
Primary schools	One per classroom plus one for each 35 square feet of the general assembly room or auditorium.
Secondary schools	Five per classroom plus one for each 35 square feet of the general assembly room or auditorium.
c. Commercial Types.	
Professional office, customer service, and general retail	One for each 250 square feet of total floor area. *
Establishment or enterprises of a recreational or entertainment nature:	
1) Spectator type, e.g., theaters, auditoriums, sport arenas, auctions, [etc.] and the like	One for each five seats or one for each 35 square feet of total seating area, whichever is greater, plus one for each 250 square feet of total non-seating area. *
2) Participant type, e.g., skating rinks, arcades, [etc.] dance and exercise studios, marshal arts training, and the like	One for each 50 square feet of total floor area. *
Bowling alleys and tennis courts	Three for each court and/or alley plus parking for incidental uses (e.g., restaurants, taverns, etc.).

USE	PARKING SPACE REQUIRED
Establishments for the sale and consumption on the premises of food and beverage	One for each four fixed seats, plus one for each 45 square feet of dining or service area excluding fixed seats, plus one for each 250 square feet of non-service area.
Vocational or training schools or businesses	One for each instructor plus one for each three students/participants
Service stations and commercial garages	One for each pump island, plus one for each service rack or bay, plus one for each 250 square feet of office area (pump island and service bay areas shall not be counted as parking spaces)

d. Industrial & Manufacturing Types.

For all industrial and manufacturing uses listed as permitted in M Zones, the greater of the following two computations apply:

1) Related to personnel:

a) Managerial, administrative and clerical employees	One for each such employee, plus
b) Unclassified employees on the largest shift	One for each two (2) such employee, plus
c) Visitor parking	One for each five managerial, administrative, and clerical employees, plus
d) Business vehicles parked on the premises	One for each such vehicle.

2) Related to floor area:

a) Warehouses & wholesale establishments	One for each 500 square feet of total floor area, plus
b) Manufacturing, research and development and office space	One for each 300 square feet of total floor area.

2. Unspecified Uses. The parking space requirements for uses not otherwise specified in Section 17.18.020(B)(1) shall be fixed by the Planning Commission. Such determination shall be based upon the requirements for the most compatible uses specified herein and shall be made in accordance with the amendment procedures set forth in Section 17.04.040; provided, however, that no fee shall be charged, no public hearing or notice of the matter need be given, nor shall consideration by the City Council be required.

3. Loading Spaces. For all uses of an institutional, personal, professional and business service nature, included, but not limited to, offices, hotels and motels, hospitals and auditoriums, one (1) off-street loading space shall be required for each 50,000 square feet of total floor area which, in any case, need not exceed a total of three (3) such spaces. For all uses of a general retail, industrial or manufacturing nature, one (1) off-street loading space shall be required for each 30,000 square feet of total floor area which, in any case, need not exceed a total of five (5) such spaces.

4. Compact Stalls. In every parking area containing ten (10) or more stalls, not more than twenty (20) percent of the required and non-required off-street parking provided for a use other than residential may be designed as compact automobiles shall be clearly marked as a compact stall, with letters six (6) inches high.

5. Multiple-Family Dwellings and Mobile Home Parks. In addition to the requirements specified in Section 17.18.020(B)(1), additional off-street parking for multiple-family dwellings and mobile home parks shall meet the following standards:

a. An uncovered off-street guest parking space shall be provided in addition to those spaces required by Section 17.18.020(B)(1) at a ratio of one (1) for each two (2) dwelling units.

b. An uncovered compact automobile stall may be provided at a ratio of one (1) for each five (5) parking spaces, in lieu of the regular size.

C. Design Standards.

1. Access and Size. Each unenclosed off-street parking space shall have dimensions of at least nine (9) feet by twenty (20) feet for standard size automobiles and dimensions of at least eight (8) feet by fifteen (15) feet for compact automobiles, exclusive of driveways and aisles. Required parking stall lengths within unenclosed areas may be reduced by a maximum of two (2) feet to allow for overhang of automobiles upon landscaped planters and sidewalks; provided, however, that such planters and sidewalks are a minimum of six (6) feet in width. Each enclosed off-street parking space shall have dimensions of at least ten (10) feet by twenty (20) feet for each stall. Garage door openings for single and double-car garages shall be a minimum of eight (8) and sixteen (16) feet, respectively. Each off-street loading space shall have dimensions of at least ten (10) feet by twenty-five (25) feet. Where such loading space does not adjoin a street or alley, convenient and adequate access, at least twenty (20) feet in width shall be required. Aisle width shall be in accordance with the following standards:

ANGLE OF SPACES	AISLE WIDTH
30°	14'
45°	18'
60°	20'
90°	25'

2. Location. Parking spaces shall be located off public and private streets in accordance with the following standards:

a. Parking spaces for dwelling units shall be located on the same lot or building site as the buiding that they are intended to serve. Required covered parking shall be within an enclosed garage or carport; provided, however, that no open

storage shall be allowed within a carport which is visible from any public right-of-way.

b. Parking spaces for all uses other than residential shall be located on the same lot or parcel as the building or use which they are intended to serve, or located on a contiguous lot thereof.

c. Parking spaces shall be arranged so that it is not necessary to back onto an arterial or collector highway.

d. Tandem parking shall not be recognized in fulfilling off-street parking requirements pursuant to Section 17.18.020(B)(1).

e. In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements for various uses in accordance with Section 17.18.020(B)(1). Off-street parking facilities for one use shall not be considered as providing facilities for any other use.

f. Every parking stall, other than those provided for one (1) or two (2)-family dwellings, which is adjoined on either side by its longer dimension by a fence, wall, partition, column, post or similar obstruction, shall have its minimum width increased by not less than three (3) feet on the side of the obstruction.

3. Improvements.

a. Surface. All parking areas shall be surfaced with a minimum of two (2) inches of asphaltic concrete over four (4) inches of base, or four (4) inches of portland cement concrete. Site grading and drainage shall be subject to the approval of the Department of Public Works. Each off-street parking space required by this Section shall be striped in accordance with specifications of the Department of Public Works, which at all times shall be maintained in a readily visible state.

b. Fence. Where a group parking area for four (4) or more automobiles abuts property classified for residential use, it shall be separated therefrom by a solid masonry wall, six (6) feet in height, provided the wall, from the front property line to a depth equal to the required front yard on the abutting residential classified property, shall be two and one-half (2½) feet in height. Where such parking area abuts a street, it shall be separated therefrom by an ornamental fence, wall or compact evergreen hedge having a height of not less than two (2) feet and not more than two and one-half (2½) feet, which shall be continuously maintained in good condition.

c. Access. Each entrance and exit to a parking lot shall be constructed and maintained so that any vehicle entering or leaving such parking lot shall be clearly visible a distance of not less than ten (10) feet to a person approaching such entrance or exit on any abutting pedestrian walk or foot path. Exits from parking lots shall be clearly posted with "STOP" signs. Appropriate bumper guards, wheel stops, entrance and exit signs, and other such directional signs shall be maintained where needed. Access to parking spaces for dwelling units shall not be less than ten (10) feet in width throughout and paved.

4. Driveways. For uses other than one (1) and two (2)-family dwellings, driveway access from a public street to the required off-street parking area shall be as follows:

a. Where the parking area contains less than twenty-five (25) parking spaces, driveway access shall not be less than ten (10) feet in width. There shall be an additional three (3) feet in width of landscaping wherever the driveway abuts a main building on the lot.

b. Where the parking area contains more than twenty-five (25) parking spaces, a two-way driveway shall be required with a minimum paved width of eighteen (18) feet. There shall be an additional three (3) feet in width of landscaping wherever the driveway abuts a main building on the lot.

c. No driveway or vehicle accessway shall have a grade in excess of ten (10) percent within twenty (20) feet of a street or alley right-of-way, and the slope of every driveway or ramp shall not exceed fifteen (15) percent; provided, however, that where an existing driveway being used for access is required to be modified because of a public improvement project, such grade may exceed fifteen (15) percent, provided the design is approved by the Department of Public Works. Transition slopes in driveways and ramps shall be designed to the standards established by the Department of Public Works and the City Building Official. For the purpose of calculating the driveway grade, elevation of the property line or the street plane line, whichever is more restrictive, shall be three and one-half (3½) inches on curbed streets or five (5) inches on non-curbed streets, above the elevation of the center lines of the street. Access to alleys shall be three (3) inches above alley center lines of property lines.

d. No driveway shall individually exceed thirty (30) feet nor shall the cumulative total of driveways exceed one-half (½) of the total lot frontage.

5. Lights. Any lights used to illuminate off-street parking or vehicle sales areas shall be so arranged as to reflect the light away from adjoining residential property and streets.

6. Maintenance. All parking areas and access thereto shall be maintained in a good state of repair. Any parking improvements found to be in violation of this Section shall be abated in the time and manner prescribed for property maintenance enforcement in Chapter 17.14.

D. Development Review Procedures.

1. Ministerial Permit Required. No off-street parking shall be hereafter installed or modified without a Ministerial Permit having first been issued therefor by the City pursuant to Section 17.22.050, unless said parking is provided for in other provisions of this Title.

2. Alternative Development Criteria. Where off-street parking does not meet the requirements of this Section for the use with which it is associated, the property may be improved, building enlarged or use intensified only if the parking is made to conform with the requirements of this Section or approval is granted by one of the following means:

a. Development Permit. Approval is granted in conjunction with issuance of a Development Permit or modification thereto pursuant to the provisions of Section 17.22.030.

b. Variances. A variance is granted in accordance with the provisions of Section 17.04.060.

3. Exemptions. Properties, buildings, and uses which are nonconforming with respect to the off-street parking requirements of this Section shall be deemed exempt, except for maintenance standards, from the requirements and procedures specified in this Section under the following circumstances:

a. Residential Exemptions. Within a Residential (R) Zone, residential uses existing as of April 15, 1980, shall be exempt so long as:

1) Each use, at a minimum, complies: (1) with the terms and conditions of a Development Permit, if any, which was issued by the City relative to each such use; or (2) where a Development Permit has not been issued, each use complies with the off-street parking requirements in effect at the time of original construction as determined on the basis of building permits on record; provided, however, that where the date of original construction cannot be determined on this basis, each such use shall be deemed exempt; [and]

2) Off-street parking is lawfully accomplished within the perameters of Section 17.14.020(C)(2) of this Title; and *

[2] 3) No additions are made on or to the property; provided, however, that single-family structures may be improved to the extent that any addition, either individually or cumulatively, does not exceed one-third (1/3) of the total floor area of the dwelling unit as originally constructed. *

b. Commercial Exemptions. With a Commercial (C) Zone, commercial uses existing as of April 15, 1980, shall be exempt so long as:

1) Each use within a building: (1) maintains a valid business license; (2) remains unchanged in type of use; (3) remains unchanged in area, space, and volume occupied by each use; and (4) complies with the terms and conditions of each Development Permit, if any, which has been issued by the City relative to each such use; or

2) Each use which fails to meet the provisions of Section 17.18.020(D)(3)(b)(1) is replaced by a use which requires not more than one (1) off-street parking space for every 250 square feet of total floor area, as specified in Section 17.18.020(B)(1).

c. Manufacturing Exemptions. Within a Manufacturing (M) Zone, manufacturing and coastal industry uses existing as of April 15, 1980, shall be exempt so long as:

1) Each use, at a minimum, complies: (1) with the terms and conditions of each Development Permit, if any, which has been issued by the City relative to each such use; or (2) where a Development Permit has not been issued, each use complies with the off-street parking requirements in effect at the time of original construction as determined on the basis of building permits on record; provided, however, that where the date of original construction cannot be determined on this basis, each such use shall be deemed exempt; and

2) No additions are made on or to the property.

17.18.030 LANDSCAPING

A. General. No building or land shall be used and no building shall be hereafter erected or structurally altered unless such uses and improvements comply with the provisions of this Section.

B. Landscaping Required. All open off-street automobile parking areas that contain more than four (4) parking spaces and which abut upon a public street right-of-way shall provide landscaping to a depth of five (5) percent of the parking lot depth from the abutting street right-of-way not to exceed ten (10) feet with openings for pedestrian paths or driveways. An additional five (5) percent of the gross lot area used for off-street parking and access thereto, exclusive of the landscaped area abutting the street right-of-way, shall be devoted to landscaping.

C. Design Standards.

1. Improvements. All parking lot landscaping shall be installed in accordance with the following standards:

a. All landscaping shall be contained in planting areas with a minimum size of twenty (20) square feet and a minimum dimension of four (4) feet.

b. All planting areas shall be bound by a concrete curb having a minimum height of six (6) inches.

c. Landscaped areas shall be located throughout parking lot areas in order to obtain the maximum amount of dispersion.

d. Not less than one (1) tree of a species satisfactory to the City shall be installed for every ten (1) single-row parking stalls and for every twenty (20) double-row parking stalls within a parking lot.

e. All plant material within a thirty (30) foot triangle at the intersection of two streets shall be no more than three (3) feet in height above the curb elevation; provided, however, that trees may be planted which are trimmed so that no branches extend lower than six (6) feet above curb level.

f. Landscaped areas shall contain trees and/or shrubs with vertical growth and those portions of a planting area not planted with either trees or shrubs shall be developed in one of the following manners:

1) Planting with ground cover capable of covering the entire planting area within a six (6)-month period.

2) Use of a plastic or other synthetic membrane with holes punched for existing plants and covered with a minimum of two (2) inches of either redwood, bark, stone, or similar material.

g. All planting areas shall be served by an automatic underground sprinkler system supplied with bubblers, sprinklers or hose bibs.

h. All proposed plant materials shall be of a type having a root structure which, in their natural and anticipated extension and growth and in relation to their location will not damage or interfere with the normal use and enjoyment of the following:

1) Public or private lines, cables, conduits, pipes, or other underground structures.

2) Public or private sidewalks, curbs, gutters, or hard surface roads, streets, driveways, parking and turnaround areas, easements, or like things designed and constructed to accomodate vehicles.

3) Contiguous, adjacent or abutting structures, foundations or landscape materials.

i. No landscaped material shall be of a type that displays any of the following characteristics:

1) Are noxious or dangerous to persons or domestic animals.

2) Exude or emit substances or things which, because of the proposed location, will likely injure or damage real or personal property in the area of their immediate effect.

3) Are designed for relatively permanent implacement yet will likely die because of proposed locations unrelated to their ecological requirements.

4) Will likely block the view, sunlight or fresh air flow otherwise available at a window or other opening in the walls of the building on the property or on a building on adjacent property.

5) Are so arranged or placed so as not to produce the aesthetic results desired by such landscaping.

2. Maintenance. All parking lot landscaping shall be maintained in conformance with the following standards:

a. All vegetation shall be maintained free of physical damage or injury arising from lack of water, chemical damage, insects, diseases, or other such case. Vegetation showing such damage shall be replaced by the same or similar vegetation which will be comparable at full growth.

b. Lawn and ground cover are to be trimmed or mowed regularly. All planting areas are to be kept free of weeds and debris.

c. All planting areas are to be kept in a healthy and growing condition. Fertilization, cultivation, and tree pruning shall be part of regular maintenance.

d. Irrigation systems shall be kept in working condition. Adjustments, replacements, repairs, and cleaning shall be part of regular maintenance.

e. Stakes, guides and ties on trees shall be checked regularly for correct functions. Ties are to be adjusted to avoid creating abrasions or gridling on trunks or branches.

f. Any landscaping found to be in violation of this Section shall be abated in a time and manner prescribed for property maintenance enforcement in Chapter 17.14.

D. Development Review Procedures.

1. Ministerial Permit Required. No landscaping shall be hereafter installed or modified without a Ministerial Permit having first been issued therefor by the City pursuant to Section 17.22.050, unless such landscaping is provided for in other provisions of this Title.

2. Alternative Development Criteria. Where onsite landscaping does not meet the requirements of this Section for the property with which it is associated, the property may be improved, building enlarged or use intensified only if the landscaping is made to conform with the requirements of this Section or approval is granted by one of the following means:

a. Development Permit. Approval is granted in conjunction with issuance of a Development Permit or modification thereto pursuant to the provisions of Section 17.22.030.

b. Variances. A variance is granted in accordance with the provisions of Section 17.04.060.

3. Exemptions. Properties, buildings, and uses which are nonconforming with respect to the landscaping requirements of this Section shall be deemed exempt, except for maintenance standards, from the requirements and procedures specified in this Section under the following circumstances:

a. Residential Exemptions. With a Residential (R) Zone, residential uses existing as of April 15, 1980, shall be exempt so long as:

1) Each use, at a minimum, complies: (1) with the terms and conditions of a Development Permit, if any, which was issued by the City relative to each such use; or (2) where a Development Permit has not been issued, each use complies with the off-street parking requirements in effect at the time of original construction as determined on the basis of building permits on record; provided, however, that where the date of original construction cannot be determined on this basis, each such use shall be deemed exempt; and

2) No additions are made on or to the property; provided, however, that single-family structures may be improved to the extent that any addition, either individually or cumulatively, does not exceed one-third (1/3) of the total floor area of the dwelling unit as originally constructed.

b. Commercial Exemptions. Within a Commercial (C) Zone, commercial uses existing as of April 15, 1980, shall be exempt so long as:

1) Each use within a building: (1) maintains a valid business license; (2) remains unchanged in type of use; (3) remains unchanged in area, space, and volume occupied by each use; and (4) complies with the terms and conditions of each Development Permit, if any, which has been issued by the City relative to each such use; or

2) Each use which fails to meet the provisions of Section 17.18.020(D)(3)(b)(1) is replaced by a use which requires not more than one (1) off-street parking space for every 250 square feet of total floor area, as specified in Section 17.18.020(B)(1).

c. Manufacturing Exemptions. Within a Manufacturing (M) Zone, manufacturing and coastal industry uses existing as of April 15, 1980, shall be exempt so long as:

1) Each use, at a minimum, complies: (1) with the terms and conditions of a Development Permit, if any, which was issued by the City relative to each such use; or (2) where a Development Permit has not been issued, each use complies with the off-street parking requirements in effect at the time of original constdruction as determined on the basis of building permits on record; provided, however, that where the date of original construction cannot be determined on this basis, each such use shall be deemed exempt; and

2) No alterations or additions are made on or to the property.

17.18.040 SIGNS

A. General. No sign shall be painted, pasted, posted, printed, tacked, fastened, constructed, erected, or otherwise permitted in the City except as provided in this Section.

B. Definitions. As used in this Section, unless the context otherwise indicates, the following definitions shall apply:

1. Area of a Sign. The entire area within a single, continuous rectilinear perimeter of not more than eight (8) straight lines enclosing the extreme limits of writing, representation, emblem, or any figure of similar character together with any materials or color forming an integral part or background of the display or used to differentiate such sign from the backdrop or structure against which it is to be placed. Only one (1) face of a double-face sign shall be considered in determining the sign area, provided both sides are of essentially similar design, and not more than twenty-four (24) inches apart. The supports, uprights, structures, or extraneous design features of a sign shall not be included in determining the sign area unless they are designed in such a manner as to form an integral part of the background of the display.

2. Building Frontage. Those frontages which face upon a public or private street or parking area between such building and street. Where a building faces two (2) or more streets, the frontage containing the prinicipal entrance to the building shall be designated as the building frontage.

3. Canopy Sign. An unlighted sign perpendicular to the face of a building, fastened to the underside of the eaves, canopy or promonade roof structure of such building, which sign is designed primarily to identify business concerns to pedestrians passing thereby.

4. Construction Sign. A sign stating the names of those individuals or firms directly connected with the construction project. Said sign may include the names of the City in which their business is located and emergency telephone numbers.

5. Directional Sign. A sign which only contains one of the following words or phrases: "entrance", "enter", "exit", "in", "out", "one way", or similar words or a sign containing arrows or other characters indicating traffic direction and used either in conjunction with the above words or phrases or separately. No directional sign shall contain any advertising or trade name identification.

6. Flashing Sign. Any sign which contains or is illuminated by lights which are intermittently on and off, change in intensity, or which create the illusion of flashing in any manner.

7. Free-Standing Sign. A sign for which a building permit has been issued and is permanently supported by one or more uprights, braces, poles, or other similar structural components when utilizing earth, rock, the ground, or any foundation set in the ground as a primary holding base. Such signs which project through a roof projection or canopy, around which there are no enclosing walls, and monument signs as defined below shall be considered free-standing signs.

8. Height of a Sign. The distance from the average surface grade immediately surrounding the base of the sign to the top of its highest element, including any structural element.

9. Monument Signs. Low-profile, free-standing signs incorporating the design and building materials accenting the architectural theme of the building on the same property.

10. Off-Site Sign. Any sign which does not fall into the category of an on-site sign as defined below.

11. On-Site Sign. A sign which directs attention to a business, commodity, service, industry or other activity which is sold, offered or conducted on the premises upon which such sign is located, or to which it is affixed. Not more than twenty (20) percent of the total allowable on-site sign area shall be devoted to the advertising of a standard name-brand commodity or service which is not the exclusive commodity or service being sold or rendered on the premises, or a part of the name of the business concern involved. A parcel of record having an access easement as its only street frontage may place its on-site sign on the said easement.

12. A Parcel of Record of Property. Any separate parcel of property as shown on the latest available assessor's maps, provided that when a shopping center is divided into separate parcels, it shall continue to be considered as one parcel of record, and provided further that where one tenant, business, or enterprise occupies two or more contiguous parcels, it shall be considered as one parcel of record.

13. Portable, Movable or Temporary Sign. Any sign for which a building permit has not been issued and which is not permanently affixed or erected in accordance with the provisions of the Uniform Building Code, or any sign which is intended to be movable or capable of being moved from place to place, whether or not wheels or other special supports are provided.

14. Projecting Sign. Any sign which projects more than twelve (12) inches from the face of the building.

15. Roof. The cover of any building and includes the eaves and similar projections. Elevator or equipment housing, penthouses, or similar structures shall not be considered in determining the roof location unless they comprise more than sixty (60) percent of the roof area.

16. Roof Sign. Any sign erected, constructed or placed upon or over the roof of a building.

17. Rotating Sign. Any sign that moves, or any portion of which moves or rotates in any manner.

18. Shopping Center. A group of at least three (3) businesses which function as an integral unit on a single or separate parcel, and which utilize common off-street parking and access.

19. Street Frontage. The linear frontage of a parcel of record on the private or public street providing its principal access or visibility.

20. Window Sign. Any sign painted, attached, glued, or otherwise affixed to a window and designed to be viewed from adjoining streets, sidewalks, malls or parking lots.

C. Signs in Residential Zones. Signs permitted in the R-1, R-2 and R-3 Zones include only those which are listed below:

1. Real Estate Signs. One (1) unlighted sign not more than six (6) square feet in area pertaining only to the sale or lease of property or premises upon which it is displayed, provided that such sign shall not be closer than ten (10) feet to any property line abutting a public road, street or highway.

2. Name Plates. One (1) unlighted sign or name plate not more than one (1) square foot in area identifying the property and owner.

3. Civic Identification Signs. Not more than two (2) identification signs for civic organizations, churches, and other related quasi-public facilities, such signs not to cumulatively exceed eight (8) feet in height and twenty-four (24) square feet in area.

4. Subdivision Signs. In new residential subdivisions, the following signs may be permitted, provided that only subdivision directional signs, as specified below, may be permitted in locations other than within the subdivision site boundaries.

a. Directional and Sales Signs. No more than two (2) subdivision sales signs and two (2) subdivision directional signs after a final subdivision map has been recorded pursuant to Chapter 16.28, including, but not limited to, the following provisions:

1) The signs may be either single or double-faced, or V-shaped, provided an angle between the two faces does not exceed sixty (60) degrees.

2) Neither the horitontal nor the vertical dimensions of a sales sign shall exceed sixteen (16) feet including supporting structures and the total area shall not exceed one-hundred (100) square feet.

3) Neither the horizontal nor the vertical dimensions of a subdivision directional sign face shall exceed ten (10) feet and the total area shall not exceed fifty (50) square feet. The height of the sign shall be limited to twelve (12) feet. For the purpose of this Section, a subdivision directional sign is one which informs the viewer as to the route or change of direction of travel in order to arrive at the land development project. This type of sign may only display necessary travel directions, the name of the land development project, any characteristic trademark, insignia or similar device of the developer, and if any identifying materials as may be required by this Section.

4) No riders are permitted. There shall be no additions, tag signs, streamers, devices, display boards or appurtenances added to the sign as originally approved pursuant to Section 17.18.040(G).

5) Any such sign approved for a particular subdivision shall not be changed to advertise another subdivision, without prior approval of the City pursuant to Section 17.18.040(G).

6) Subject to proper site distance, such signs may be established along, but not within, the right-of-way of any highway, street or thoroughfare; provided, however, that such signs may not be established along existing freeways which may have been designated as freeway routes by the Division of Highways of the State of California.

7) Unless a time extension is granted by the City pursuant to Section 17.04.060(C)(2)(e), such signs may be maintained for a period of not more than eighteen (18) months from the date upon which the final subdivision map is recorded pursuant to Chapter 16.28 or until all of the lots in the subdivision have been initially sold; whichever occurs first.

8) Prior to erecting any subdivision directional or sales sign approved by the City pursuant to Section 17.18.040(G), a penal bond in the amount of two hundred and fifty dollars ($250) shall be filed with and accepted by the Director of Community Development, and the applicant shall file a written statement from the property owner authorizing either the applicant or the City to go onto the property to remove the sign. In the case of failure to perform or comply with any term or provisions pertaining to such sign, the Director of Community Development may declare the bond forfeited. Upon expiration of the sign approval and removal of that sign, the bond may be exonerated by the Director of Community Development upon application.

b. Model Signs. One (1) feature sign and one (1) model home sign identifying the particular model not exceeding two (2) feet by three (3) feet in size and three (3) flags on each lot on which a model home is located and which fronts on an interior road. The subdivider may elect to locate all of the feature signs and flags on one model home lot, on the sales office lot or parking area which is a part of the tract, in lieu of one (1) feature sign and three (3) flags on each model home lot.

5. Apartment and Condominium Project Signs. One (1) unlighted or softly backlighted sign in an amount not to exceed one (1) square foot per dwelling unit, and in no case exceeding a total of fifty (50) square feet, identifying only the name and address of an apartment or condominium project, and containing no other information.

D. Signs in Commercial and Manufacturing Zones. Signs permitted in C-1, C-S, M-CR and M-CD Zones include only those which are listed below:

1. Building Signs. On-site advertising signs and structures painted upon or fixed to any building, subject to the following provisions:

a. No part of any sign shall extend above the highest part of the building upon which the sign is displayed nor shall any roof sign be permitted.

b. The sign area shall not exceed one (1) square foot of sign area for each linear foot of building frontage on its principal road, street or highway. If two (2) or more businesses are located upon one (1) parcel of record the sign area for each business shall not exceed one (1) square foot of sign panel for each linear foot

of each individual business buiding frontage on the principal road, street or highway. When more than one (1) business is located in a building or upon a single parcel of record, the frontage of each separate business buiding facing the right-of-way shall be considered as building frontage. The total area of any sign shall not exceed one-hundred (100) square feet and no dimension on the panel face shall exceed ten (10) feet.

c. Where the sign are permitted under Section 17.18.040(D)(1)(b) is less than would be permitted based upon a ratio of one-half (½) square foot of sign area for each linear foot of street frontage, the latter ratio may be used in computing the permitted single areas, provided that the total area of any sign shall not exceed one-hundred (100) square feet.

d. Temporary window signs placed entirely within a building shall not cover more than twenty-five (25) percent of the window area of the building facing the streets, sidewalks, malls or parking lots.

e. In a shopping center or multiple business property where four (4) or more separate businesses are located on a parcel of record, and where two (2) or more of said businesses face an arcade, mall or walkway, or when a business has a second or third frontage and public entrance facing a parking area in a direction other than that facing a principal street, an additional sign not exceeding one-half (½) square foot of sign area per linear foot of each business building facing said parking area, arcade, mall or walkway is permitted subject to all other conditions specified in this Section.

f. In a shopping center or on multiple business property where two (2) or more businesses are located on a parcel of record, and where one (1) or more of said businesses have no frontage on a public road, street or highway, said businesses may provide signs as allowed in Section 17.18.040(D)(1)(e) based upon the building frontage on a parking lot, parking area or private driveway.

g. Except as otherwise allowed pursuant to Section 17.18.040(D)(1)(e), each business within either a C-1, C-S, M-CR or M-CD Zone, shall be entitled to only one building sign, which sign shall be affixed to the building frontage used to compute the allowable sign area for each such business. Signs shall be parallel with the building and shall project not more than twelve (12) inches therefrom.

2. Monument Signs. On-site low-profile monument type, free-standing signs subject to the following conditions:

a. On-site free-standing signs shall be located within the center eighty (80) percent of the property frontage, as measured from the side property lines. On a corner lot, the eighty (80) percent may be measured from the corner to one side line, or from the respective side lines and around the corner.

b. The sign shall not exceed one (1) square foot of sign area for each linear foot of street frontage, and in no case shall exceed a total of one-hundred (100) square feet.

c. On-site free-standing signs shall not exceed eighteen (18) feet in height, and no dimensions on the panel face shall exceed ten (10) feet.

3. Temporary Off-Site Signs. Temporary off-site free-standing sign structure or structures are subject to the following conditions:

a. Off-site free-standing signs are permitted only on vacant or unimproved property.

b. Height shall be limited to eighteen (18) feet and no dimension of the panel face shall be greater than ten (10) feet.

c. The maximum area of any sign panel face shall not exceed one-hundred (100) square feet.

d. A V-shap structure shall not have an interior angle between the two panel faces of more than sixty (60) degrees.

e. Off-site free-standing signs shall be set back from the front property line at least ten (10) feet.

f. Off-site advertising structures shall be at least one-thousand (1,000) feet apart on the same side of a public road or street.

4. Canopy and Changeable Copy Poster Signs. Canopy and changeable copy poster signs are subject to the following conditions:

a. One (1) canopy sign for each business not extending beyond the building eaves and not exceeding twelve (12) inches in width nor having a clearance of less than seven (7) feet as measured from the finished grade to the bottom of the sign encasement.

b. Two (2) changeable copy poster signs and special feature signs not exceeding twelve (12) square feet each may be permitted for each parcel of record only when permanently affixed to a pole or building or permanently planted in foundations in accordance with all other provisions of this Title.

c. Signs allowed by this subsection shall be included within the computation of total allowable sign area pursuant to Section 17.18.040(D)(1).

E. Design Standards. General requirements and limitations for all signs regardless of their location are as follows:

1. General Restrictions.

a. A sign, except for public service time and temperature signs, shall not flash, scintillate, move or rotate, or contain any part which flashes, scintillates, moves or rotates, provided that continuously rotating signs that do not exceed a rotating speed of eight (8) revolutions per minute are permitted.

b. Banners pendants, flags, captive balloons, or signs which change color or appear ro change color, or where the intensity of light changes or appears to change are permitted only for the purpose of a grand opening or other special event; provided, however, that the use of such signing shall not exceed a period of twenty-one (21) days for such opening or event.

c. Perimeter or flood lighting, whether used for illumination or advertisement, which illuminates private land, whether improved or not, is permitted only when such lighting is installed on private property and is hooded or shielded so that no direct beams therefrom fall upon public streets, alleys, highways or other private property.

d. A sign which is lighted or illuminated to an intensity in excess of that of adjacent public street lights may not be permitted within or closer than two-hundred (200) feet of any facing property in a residential zone.

e. A sign shall not project over a public street or alley right-of-way.

f. Not more than six (6) permanent directional signs, not exceeding three (3) square feet in area each, on a single parcel of record may be allowed.

g. Not more than two (2) construction signs, not exceeding twenty-four (24) square feet in area each, on a single parcel of record may be allowed.

2. Maintenance and Safety.

a. Every sign and all parts, portions, units and material comprising the same, together with the frame, background, supports or anchorage therefore, shall be manufactured, fabricated, assembled, constructed and erected in compliance with all applicable State and Federal laws and ordinances of the City now in effect or hereafter inacted or amended.

b. Every sign and all parts, portions, units and materials comprising the same, together with the frame, background, supports or anchorage therefore, shall be maintained in proper repair and state of preservation. Any sign found to be in violation of this Section shall be abated in the time and manner prescribed for property maintenance enforcement in Chapter 17.14.

c. The display surface of all signs shall be kept neatly painted and/or posted. Signs pertaining to enterprises or occupants that are no longer using the premises to which the signs relate shall be removed from the premises by the property owner within sixty (60) days after the associated enterprise or occupant has vacated the premises. Temporary advertising signs, such as political, leasing, or construction signs, for which a Special Use Permit is issued pursuant to Section 17.22.060 shall be removed by the property owner within ten (10) days following the occurance or completion of the event or election or other purpose served by the sign. Any sign violating this Section shall constitute a public nuisance, and shall be subject to summary abatement pursuant to the provisions of the Government Code of the State of California.

F. Nonconforming Signs. Nonconforming signs shall be subject to the following provisions:

1. Banners, pendants, flags, captive balloons and similar paraphernalia shall be removed within thirty (30) days of the effective date of this Section.

2. A portable, moveable or temporary sign, other than those included within the provisions of Section 17.18.040(D)(3) or as approved under a variance procedure pursuant to Section 17.04.060(C)(2)(e), shall be removed within six (6) months after the effective date of this Section.

3. A nonconforming off-site sign shall be removed within three (3) years of the effective date of this Section; provided, however, that this Section shall not validate or extend the permitted time for any signs approved pursuant to Section 17.18.040(G) at the effective date of this Chapter; provided, further, that this Section shall act as a continuation of Section 17.12.030 of this Title and shall validate any enforcement action taken pursuant to it.

4. All other legally erected or painted signs which are not made conforming by approval of a variance therefore pursuant to Section 17.04.060 of this Title, shall be completely removed within five (5) years of the effective date of this Section; or if such sign is made nonconforming by virtue of rezoning or annexation, from the date of such rezoning or annexation.

5. A nonconforming sign shall not be altered, reconstructed or moved without complying in all respects with the other provisions of this Section. A sign destroyed by the elements, fire, or other act of God to an extent exceeding sixty (60) percent of its valuation as determined by the City Building Official, shall be subject to the provisions of this Section. No additional signs or expansion of existing signs which render the total amount of sign area for any business nonconforming or further nonconforming shall be permitted, except by a variance as provided in Section 17.04.060. As used in this Section, the term "altered" means any change in shape, size, structure, or any significant change in content of a sign, not including the painting and/or maintenance of pre-existing nonconforming signs.

6. Whenever vacant or unimproved property contains one or more off-site signs constructed prior to the effective date of this Section and is improved by having a building erected thereon, said sign shall become a nonconforming use and subject to the regulations set forth in this Section.

7. Whenever vacant or unimproved property contains one or more signs constructed after the effective date of this Section, and is improved by having a buildign erected thereon, said sign shall be completly removed prior to occupancy or release of utilities of said building.

G. Development Review Procedures.

1. Ministerial Permit Required. No sign shall be hereafter erected or structurally altered except for those signs permitted by Section 17.18.040(C)(1) and Section 17.18.040(C)(2), without a Ministerial Permit having first been issued therefore by the City pursuant to Section 17.22.050.

2. Master Sign Criteria. In a commercial retail center or multiple business property where two or more businesses are located in a single building, all building and canopy signs shall conform to a master sign criteria for that property which specifies the size, color, material and location of all such signs. Unless otherwise approved as part of a Development or Administrative Permit pursuant to Chapter 17.22 of this Title, master sign criteria required by this Section shall be processed in the same manner as prescribed for building and monument signs pursuant to Section 17.18.040(G)(1).

CHAPTER 17.22

DEVELOPMENT REVIEW PROCEDURES

17.22.010 PURPOSE. The purpose of this Chapter is to provide a uniform means by which applications for discretionary and ministerial projects are to be processed by the City.

17.22.020 DEVELOPMENT REVIEW COMMITTEE. For purposes of this Chapter, a Development Review Committee is hereby established. The Development Review Committee shall consist of the Director of Community Development, Director of Public Works, Chief of Police or their designated representatives. A designate of the Ventura County Fire Department shall be invited to participate in Development Review Committee matters as an advisory, non-voting member. A quorum of the Committee shall consist of two voting members. In the event of a tie vote, the matter before the Committee shall be deemed denied. The Director of Community Development or his designated representative shall * serve as chairman of the Development Review Committee and, for the purpose of Government Code Section 65913.3, be responsible for the coordination, review and processing of all projects subject to the development review provisions of this Chapter.

17.22.030 DEVELOPMENT PERMITS.

A. General. Projects, other than those which are explicitly exempt under the provisions of Section 17.66.040(A), requiring the issuance of Development Permits or which are otherwise subject to the [Development Review process of] development review * procedures prescribed in this Section include the following:

1. Planned Developments encompassing:

a. Projects which involve any property, irrespective of size, with an underlying zone classification of C-S, P-R, M-CR, and M-CD; and

b. Projects which involve any property zoned PD in excess of 20,000 square feet with an underlying zone classification of R-1, R-2, R-3, R-4 and C-1;

2. Conditional Uses;

3. Variances;

4. Boundary Changes; and

5. Amendments.

B. Preapplication Process. Prior to formal application being made for Development Permits, projects should be screened through the Development Review Committee for preliminary evaluation.

1. The purpose of this optional procedure is three-fold:

a. To avoid preparation and the filing of applications for projects which are clearly inappropriate;

b. To reduce problems and time delays which may otherwise be encountered during processing of formal applications; and

c. To incorporate environmental considerations early on in the development review process.

2. To initiate the preapplication process, the following information must be submitted to the Department of Community Development:

a. Conceptural Drawings. Five (5) sets of preliminary plot plans and building elevations of a scale and detail sufficient to convey the project's general nature including the location of all major existing and proposed improvements and related architectural design characteristics.

b. Environmental Questionnaire. One (1) original copy of information required to conduct an Initial Study under provisions of the California Environmental Quality Act of 1970, on forms prescribed by the City.

3. The Development Review Committee shall be convened within fourteen (14) days of the date of receipt of the preapplication and shall convey the results of their evaluation to the applicant not later than twenty-one (21) days of the date of filing.

C. Application Submittal. Applications for Development Permits shall be filed with the Department of Community Development and consist of the following information:

1. Application Cover Sheet. One (1) original copy of information required to identify the applicant and project on forms prescribed by the City.

2. Property Owner/Resident Map. One (1) original map prepared at a scale of not less than one (1) inch equals one-hundred (100) feet indicating the size of the subject property and all properties within a three-hundred (300) foot radius of the exterior boundaries of the application area. When required by operation of Section 17.22.030(C)(3), a separate map shall be prepared to delineate all properties within a one-hundred (100) foot radius of the exterior boundaries of the application area. *

3. Property Owner/Resident List. Upon pre-gummed labels appropriate for placement on envelopes, one (1) original copy of the names and mailing addresses of all property owners [(and residents)] within the three-hundred (300) foot radius shown on the Property Owner/Resident Map. For projects which constitute appealable developments as defined pursuant to Section 17.22.070(B)(1), the Property Owner/Resident List shall also include the [names and] mailing addresses of all persons, other than property owners, residing within one-hundred (100) feet of the exterior boundaries of the application area. *

4. Affidavit. One (1) original copy of an Affidavit signed by [an agent acting on behalf of the applicant who will be available for any public hearing] the applicant or the applicant's agent certifying that the names and addresses shown on the Property Owner/Resident List are [shown on the last equalized Assessor's] the latest as shown on the last equalized assessment roll of the County of Ventura. * *

5. Development Plan. Twelve (12) sets of preliminary drawings consisting of plot plans, building elevations, and related exhibits drawn to a scale of not less than one (1) inch equals thirty (30) feet (folded to a size of 8½" x 14" before submittal) as necessary to depict the following:

a. The location, size, height, and number of stories of all existing and proposed buildings and structures including signs, walls and fences;

b. The location, size, and dimension of yards, courts, and setbacks and all other open spaces between existing and proposed buildings and structures;

c. The location, dimension, and type of construction of all driveways, parking areas, walkways and means of access, both ingress and egress; [, and drainage;] *

d. The location, dimension, and method of improvement of all property to be dedicated to the public utilities; and

e. All exterior elevations and architectural features; the nature, texture and color of all exterior building materials to be used, including signs; the location, type, intensity, and architectural theme of all exterior lighting; and the [intent] density, location, and nature of all landscaped areas and landscape materials. *

6. Developement Plan Reduction. One (1) original 8½" x 11" acetate or mylar reduction of all Development Plan drawings and exhibits suitable for use on an overhead projector.

7. Environmental Questionnaire, One (1) original copy of information required to conduct an Initial Study under provisions of the California Environmental Quality Act of 1970, on forms prescribed by the City. This requirement is waived if previously completed in conjunction with the Preapplication Process pursuant to Section 17.22.030(B).

D. Application Filing. Upon receipt of the items listed in Section 17.22.030(C), the Director of Community Development or his designated representative shall review the completed application prior to accepting it for filing. If it is determined that the information provided is incomplete, the application shall be returned to the applicant and not accepted for filing. If, however, the application is accepted, a meeting of the Development Review Committee and public hearing before the Planning Commission shall be scheduled pursuant to Section 17.22.030(E) and Section 17.22.030(F), respectively. In either case, a determination as to the application's completness shall be made within thirty (30) days of its receipt or otherwise it shall be deemed to have been filed.

E. Staff Review. The Development Review Committee shall be convened within twenty-one (21) days of the date of filing of the formal application for the purpose of developing preliminary recommendations. The applicant shall be advised not later than twenty-eight (28) days from the date of filing as to the nature of preliminary recommendations of the Development Review Committee. The applicant, at his discretion, may cause the Development Plan to be revised and refiled with the Department of Community Development so as to conform with the preliminary recommendations of the Development Review Committee; provided, however, that such revised Development Plans are received not later than twenty-one (21) working days prior to the date of public hearings scheduled pursuant to Section 17.22.030(F). If revised Development Plans are filed later than twenty-one (21) working days prior to the date of the public hearings scheduled pursuant to Section 17.22.030(F), or if the Development Plans have not been revised so as to conform with the preliminary recommendations of the Development Review Committee, the public hearing shall automatically be continued until the Planning Commission's next regularly scheduled meeting date.

F. Planning Commission Public Hearing. Upon acceptance of the filing of an application pursuant to Section 17.22.030(D), a public hearing before the Planning Commission shall be scheduled not earlier than thirty (30) days from the date of filing nor later than thirty (30) days from the date of expiration of public review

periods pursuant to the California Environmental Quality Act of 1970. In addition, the following shall occur:

1. Notice. Notice of the hearing shall contain a statement setting forth a description of the property under consideration, the nature of the project, and the time and place at which a public hearing or hearings on the matter will be held and shall be given in the manner specified below not less than ten (10) days prior to the date of the first of such hearings which may be conducted on the project:

a. Publishing a notice in a newspaper of general circulation within the City;

b. Mailing a notice to all persons listed in the Property Owner/Resident List; provided, however, that in the event the number of persons to whom which notice would be sent is greater than one-thousand (1,000), notice in lieu thereof may be given by publishing a display advertisement of at least one-fourth (¼) page in a newspaper having general circulation within such area, or, in lieu of a display advertisement, a notice may be inserted with any generalized mailing sent by the City to property owners and residents within the area affected by the project such as a billing for City services; provided, further, that if in-lieu notice is given under the circumstances and in the manner prescribed herein, the requirements of Section 17.22.030(C)(3) and 17.22.030(C)(4) may be waived, and if such notice is given by way of a display advertisement as herein provided, such notice shall satisfy the requirements of Section 17.22.030(F)(1)(a); and *

c. Posting a notice in front of the property under construction; provided, however, that if more than one (1) parcel of property is involved, notices shall be posted not more than one-hundred (100) feet apart on each side of the street upon which said property fronts for a distance of not less than five-hundred (500) feet in each direction from said property; provided, further, that the notice provisions of this Section are optional as may be exercised at the City's discretion to supplement the mandatory notice requirements of Section 17.22.030(F)(1)(a) and Section 17.22.030(F)(1)(b).

2. Investigations. The Planning Commission shall cause to be made by its own members, or members of its staff, such investigation of facts bearing upon the project set for hearing, including an analysis of precedent cases as will serve to provide all necessary information to assure action on each case consistent with the purposes of this Title and with previous actions of the Planning Commission.

3. Conduct of Hearings. Public hearings as provided in this Section shall be conducted before the Planning Commission, or before any members thereof designated by the whole Commission to serve. The Planning Commission may establish its own rules for the conduct of public hearings and the members of the Planning Commission presiding at any such hearings are hereby empowered to administer oaths to any person testifying before it.

4. Persons Testifying. The permanent official records of the Planning Commission shall contain the names and addresses of the persons testifying at the public hearing.

5. Continuation of Hearing. If, for any reason, testimony on any case set for public hearing cannot be completed on the date for such hearing, the Commissioner presiding at such public hearing may, before the adjournment or recess thereof,

publicly announce the time and place to and at which the hearing will be continued and such announcement shall serve as sufficient notice of such continuance and without recourse to the form of public notice as provided in the first instance by this Section.

6. Findings. In considering the matter, the Planning Commission may approve, disapprove, or modify and approve the project, attaching any reasonable conditions thereto. Not later than at the next regular meeting of the Planning Commission following action on the matter, the Planning Commission shall announce its findings by formal resolution, and the resolution shall cite, among other things, facts and reasons which, in the opinion of the Planning Commission, constitute grounds for the approval, denial, or conditional approval of the project necessary to carry out the provisions of this Chapter and general purpose of this Title. Where a project is approved under the provisions of this Section, the Planning Commission's authorizing resolution shall constitute the Development Permit, where such a Permit is required, which Permit shall be deemed issued upon expiration of applicable appeal periods as set forth in Section 17.22.030(F)(7). If the Planning Commission grants the Development Permit or otherwise approves the project, it shall also cite in the resolution such conditions and limitations as may be imposed to serve the purpose of this Title. If no action is taken by the Planning Commission on the project within one (1) year of the date of filing pursuant to Section 17.22.030(D), said project shall be deemed to be approved unless a single ninety (90) days extension is granted by mutual consent of the applicant and City.

7. Fulfillment. Action of the Planning Commission shall become final if no appeal is taken pursuant to Section 17.22.030(G) within ten (10) days of the date of the Planning Commission's action. A Development Permit as approved and issued by the Planning Commission shall be observed and fulfilled in the development and/or use of the property involved. All features required shall be installed and maintained indefinitely unless otherwise stipulated pursuant to Section 17.22.030(H) or Section 17.22.030(F). After approval and issuance of a Development Permit, initiation of improvements and/or uses anticipated therein must be begun within twelve (12) months from the date of such approval and issuance, unless some other period is specified by the Planning Commission or the Development Permit shall, without prejudice, become null and void. Actions which become final under provisions of this Section shall be reported to the County Assessor's Office in accordance with Section 65863.5 of the Government Code of the State of California.

G. Appeals. Upon receipt by the City Clerk of an appeal filed by any person aggrieved by a decision pursuant to Section 17.22.030(F)(6), the City Clerk shall promptly give written notice to the applicant and the appellant that an appeal has been taken and that the matter will be considered and heard by the City Council at a regular or adjourned regular meeting, the date of which shall be set forth in the notice, but in no event, to be more than thirty (30) days or less than ten (10) days after such notice is mailed to the applicant and appellant. A copy of this notice shall be published in a newspaper of general circulation in the City not less than ten (10) days before such hearing. The City Council at the time of such hearing, shall consider all matters pertinent thereto and, not later than ninety (90) days thereafter, shall render its decision either upholding or reversing the action of the Planning Commission and/or modifying the Commission's aciton and conditions. Written notice thereof, unless waived by the applicant and/or appellant at the time of the hearing, shall promptly be mailed to the applicant and appellant by the City Clerk.

H. Amendments. Changes in either the use, intensity, architectural character, nature, extent or location of uses and/or improvements of an approved Development Permit shall not be authorized unless processed in the manner prescribed herein.

1. Applications for Amendments. Applications for amendments to approved Development Permits shall be in writing and shall include an adequate description of the proposed amendment together with plans and specifications, as necessary, to clarify the same. Application, at a minimum, shall consist of those items specified in Sections 17.22.030(C)(1) through 17.22.030(C)(4); provided, however, that the Property Owner/Resident List shall include only those properties which abut the exterior boundaries of the application area. Within fourteen (14) days from the date of receipt of an application for amendment, the Director of Community Development or his designated representative shall render a decision as to whether such amendment constitutes a major or minor modification of the approved Development Permit, which decision shall be communicated in writing to the applicant.

2. Major Modifications. Where it is determined that an application for amendment constitutes a significant material change in either the intensity, architectural character, nature, extent, or location of uses and/or improvements authorized under an approved Development Permit, such amendment shall be deemed a major modification and shall be processed in the same manner and fashion as prescribed for Development Permits commencing with Section 17.22.030(B). Amendments which constitute major modifications include, without limitation, those which:

a. Involve any property located in an area within which the Coastal Commission retains original permit jurisdiction as set forth on the Post LCP Certification Permit and Appeal Jursidiction Map referenced in Section 17.22.090(A) of this Title, and which would either:

1) Cause a significant alteration of land form including, but not limited to, removal or placement of vegetation; or

2) Result in an increase of ten (10) percent or more in either internal floor area or height of any existing structure.

b. Involve the expansion or construction of water wells or septic tanks.

c. Cause any change in the intensity of use of property or structure to be improved.

d. Involve the conversion of any existing multiple-family rental or visitor-serving commercial property to or from a use involving a fee ownership or long-term leasehold including, but not limited to, a condominium conversion, stock cooperative conversion or motel/hotel time-sharing conversion.

e. Involve the placement or erection of any new permanent attached or detached accessory structure in excess of one-thousand (1,000) square feet or which exceeds $50,000 in construction value.

f. Deviates from any development standard applicable to the property to be improved, which development standards include, as applicable:

1) Those prescribed in Section 17.66.030 of this Title;

2) Those applicable to the underlying zone district within which the property is situated; and/or

3) Those prescribed as part of the terms and conditions of Development Permit approval.

g. May, in the opinion of the Director of Community Development:

1) Lessen or avoid the intended effect of an approved Development Permit;

2) Diminish any public vista;

3) Significantly diminish the value of surrounding property, including, but not limited to, the impact upon prominent views and the effect upon light and air; and/or

h. Have cumulative effects beyond the property or structure to be improved.

3. Minor Modifications. Where it is determined that an application for amendment constitutes an immaterial change in either the intensity, architectural character, nature, extent or location of uses and/or improvements authorized under an approved Development Permit, such amendment shall be deemed a minor modification. Where such a determination is made, notice to this effect shall be given by the Director of Community Development to those persons listed on the Property Owner/ Resident List submitted as part of the application for amendment pursuant to Section 17.22.030(H)(1). If no written objection is received at the Department of Community Development within ten (10) days of the date which notice is mailed, the determination of immateriality shall be conclusive and the minor modificaiton shall be deemed approved. If, however, an objection is raised as to the Director's determination of immateriality, the proposed amendment shall be deemed to be a major modification subject to the provisions of Section 17.22.030(H)(2).

17.22.040 ADMINISTRATIVE PERMITS.

A. General. Projects, other than those which are explicitly exempt under the provisions of Section 17.66.040(A), requiring the issuance of Administrative Permits or which are otherwise subject to the [provisions of] development review procedures prescribed in this Section include the following: *

1. Planned Developments encompassing all projects, other than those specified in Section 17.22.030(A)(1), which involve property situated within a PD Zone; and

2. Administrative Variances.

B. Application Submittal. Applications for Administrative Permits shall be filed with the Department of Community Development and consist of the following information:

1. Application Cover Sheet. One (1) original copy of information required to identify the applicant and project on forms prescribed by the City.

2. Property Owner/Resident Map. One (1) original map prepared at a scale of not less than one (1) inch equals one-hundred (100) feet indicating the size of the subject property and all properties within a three-hundred (300) foot radius of the exterior boundaries of the application area. When required by operation of Section 17.22.040(B)(3), a separate map shall be prepared to delineate all properties within a one-hundred (100) foot radius of the exterior boundaries of the application area. *

3. Property Owner/Resident List. Upon gummed labels suitable for attaching to envelopes, one (1) original copy of the names and mailing addresses of all [properties] property owners within the three-hundred (300) foot radius shown on the Property Owner/Resident Map. For projects which constitute appealable developments as defined pursuant to Section 17.22.070(B)(1), the Property Owner/Resident List shall also include the [names and] mailing addresses of all persons, other than property owners, residing within one-hundred (100) feet of the exterior boundaries of the application area.

4. Affidavit. One (1) original copy of an Affidavit signed by the applicant or the applicant's agent certifying that the names and addresses shown on the Property Owner/Resident List are the latest as shown on the last equalized assessment roll of the County of Ventura.

5. Development Plan. Five (5) sets of preliminary drawings consisting of plot plans, building elevations and related exhibits drawn to a scale of not less than one (1) inch equals thirty (30) feet (folded to a size of 8½" x 14" before submittal) as necessary to depict the following:

a. The location and dimension of all existing and proposed structures, landscaping, signs, property access, parking areas and other existing and proposed uses on the subject property; and

b. The location and dimension of street right-of-way, existing and proposed easement, property lines, curbs, sidewalks, and adjacent property uses and buildings and setback distances from adjoining property lines.

C. Application Filing. Upon receipt of the items listed in Section 17.22.040(B), the Director of Community Development or his designated representative shall review the completed application prior to accepting it for filing. If it is determined that the information provided is incomplete, the application shall be returned to the applicant and not accepted for filing. If, however, the application is accepted, notice shall be made and a meeting of the Development Review Committee shall be scheduled pursuan to Section 17.22.040(D). In either case, a determination as to the application's completness shall be made within thirty (30) days of its receipt or otherwise it shall be deemed to have been filed.

D. Staff Review. The Development Review Committee shall be convened within twenty-one (21) days of the date of filing pursuant to Section 17.22.040(C) for the purpose of rendering a decision on the project. A notice indicating the time and place at which the Development Review Committee will consider the matter shall be [mailed to all persons indicated on the Property Owner/Resident List] given in the manner prescribed in Section 17.22.030(F)(1)(b) no later than ten (10) days prior to the date of the meeting of the Development Review Committee. At the time and place specified in the notice for consideration of the project, the Director of Community Development shall permit all interested persons present to be heard. After hearing all such persons and considering all communications received, the Development Review Committee may render its decision, continue the matter to a specified time and place, or decline to make a decision on the basis that the matter ought to be heard by the Planning Commission. In the latter instance, the application shall be processed in the manner prescribed in Section 17.22.030. Not more than thirty (30) days following the date of filing, the Development Review Committee shall announce its findings and notify the applicant in writing of the same. The Committee's findings shall be announced by way of formal resolution, which resolution shall be set forth in the same manner and shall serve the same purpose and effect as that of the resolution adopted by the Planning Commission pursuant to Section 17.22.030(F)(6). If no action is taken

by the Development Review Committee on the discretionary project within six (6) months of the date of filing pursuant to Section 17.22.040(C), said project shall be deemed approved. Any Administrative Permit granted shall be in harmony with the general purposes and intent of this Title and shall not be injurious to the neighborhood or to the public welfare. Accordingly, the Development Review Committee may approve, disapprove, or modify and approve the project on the same grounds that the Planning Commission and City Council may act upon a Development Permit pursuant to Section 17.22.030, attaching any reasonable conditions thereto. Action of the Development Review Committee shall become final if no appeal is taken pursuant to Section 17.22.040(E) within ten (10) days of the date of the mailing of the notice of the Committee's decision pursuant to this Section.

E. Appeals. Upon receipt by the Director of Community Development of an appeal filed by any person aggrieved by a decision pursuant to Sectuion 17.22.040(D), the Director of Community Development shall promptly give written notice to the applicant and the appellant that an appeal has been taken and that the matter will be considered and heard by the Planning Commission at a regular or adjourned regular meeting, the date of which shall be set forth in the notice, but in no event, to be more than thirty (30) days or less than ten (10) days after such notice is mailed to the applicant and appellant. A copy of this notice shall be circulated at the same time and manner as prescribed in Section 17.22.030(F)(1). The Planning Commission at the time of such hearing, shall consider all matters pertinent thereto and by its next meeting after such hearing, the Planning Commission shall render its decision either unholding or reversing the action of the Development Review Committee and/or modifying the Committee's actions and conditions. Written notice thereof, unless waived by the applicant and/or appellant at the time of the hearing, shall promptly be mailed to the applicant and appellant by the Director of Community Development. The decision of the Planning Commission shall be final unless an appeal is filed pursuant to Section 17.22.030(G).

F. Amendments. Changes in either use, intensity, architectural character, nature, extent, or location of uses and/or improvements of an approved Administrative Permit shall be processed in accordance with the provisions of Section 17.22.030(H).

G. Planning Commission Reports. All actions of the Development Review Committee taken under provisions of this Section shall be reported to the Planning Commission at a regular meeting following such actions.

17.22.050 MINISTERIAL PERMITS.

A. General. Projects requiring the issuance of Ministerial Permits or which are otherwise subject to the provisions of this Section include the following:

1. Master Sign Criteria;

2. Parking and Landscape Development Plans;

3. Fences;

4. Signs; and

5. Home Occupations.

B. Application Submittal. Applications for Ministerial Permits shall be filed with the Department of Community Development and consist of the following information:

1. Application Cover Sheet. One (1) original copy of information required to identify the applicant and project on forms prescribed by the City.

2. Development Plan. One (1) set of preliminary drawings consisting of plot plans, building elevations, and related exhibits drawn to a scale of not less than one-quarter (¼) inch equals one (1) foot (folded to a size of 8½" x 14" before submittal) as necessary and applicable to depict the location, architectural character, and dimensions of all proposed physical improvements.

C. City Approval. Upon receipt of the items prescribed in Section 17.22.050(B), the Director of Community Development or his designated representative shall review the completed application prior to accepting it for filing. If it is determined that the information required is incomplete, the application shall be returned to the applicant and not accepted for filing. If, however, the application is accepted, a decision by the Director of Community Development or his designated representative shall be made immediately thereafter as to whether or not the project complies with the applicable provisions of this Title. If no action is taken within thirty (30) days of the date of filing, the project shall be deemed to be approved. A Ministerial Permit as approved and issued by the Director of Community Development or his designated representative shall be observed and fulfilled in the development and/or use of the property involved subject to the limitations imposed in this Title or other applicable regulations of the Port Hueneme Municipal Code. The decision of the Director of Community Development or his designated representative made pursuant to this Section shall be deemed final and conclusive.

D. Applicability. The provisions of this Section shall not apply to any component of a project for which either a Development or Administrative Permit is otherwise required by this Title. Such components, including, but not limited to, those projects listed in Section 17.22.050(A), shall be processed as part of the project for which either a Development or Administrative Permit is issued pursuant to Sections 17.22.030 and 17.22.040, respectively.

17.22.060 SPECIAL USE PERMITS.

A. General. Projects involving uses and/or improvements of a temporary duration are subject to the provisions of this Section and include the following:

1. Temporary Sales Facilities. Temporary tract real estate sales offices and mobile homes in connection with recorded subdivisions; provided, however, that such offices and mobile homes may be authorized for a period not to exceed eighteen (18) months after which authorization may be granted only as an amendment to the Development or Administrative Permit governing the subdivision;

2. Temporary Uses and Improvements. Temporary uses and improvements of an inconsequential nature including, but not limited to, produce stands, Christmas tree sales, commercial sidewalk sales, and special events; provided, however, that such uses and improvements may be authorized for a duration of time not to exceed ninety (90) calendar days in any consecutive twelve (12) month period;

3. Temporary Advertising Signs. Temporary advertising signs including, but not limited to, political, construction, sales and leasing signs; provided, however, that such signs may be authorized for a period not to exceed six (6) months; and

4. Emergency Uses and Improvements. Uses and improvements required in emergency situations where delays incident to normal permit processing pursuant to this Chapter would defeat or seriously impair the purposes of an applicant or endanger

the public health, safety or welfare. Temporary clearance for emergency uses and improvements under this Section shall be valid for a period not to exceed ninety (90) days beyond which such uses and improvements may remain only if proper application is made and approved in accordance with the provisions of this Chapter.

B. Application Submittal. Applications for Special Use Permits shall be filed with the Department of Community Development and shall consist of one (1) original copy of information required to identify the applicant and project on forms prescribed by the City.

C. City Approval. Upon receipt of application described in Section 17.22.060(B), the Director of Community Development or his designated representative shall review the completed application prior to accepting it for filing. If it is determined that the information required is incomplete, the application shall be returned to the applicant and not accepted for filing. If, however, the application is accepted, a decision by the Director of Community Development or his designated representative shall be made as to whether or not the project qualifies as a special use under the provisions of Section 17.22.060(A) and if allowable, under what conditions the Permit shall be granted. If no action is taken within thirty (30) days of the date of filing, the project shall be deemed to be approved. Action taken by the Director of Community Development or his designated representative with regard to an application for a Special Use Permit, shall be deemed final unless appealed to the Planning Commission in which case the provisions of Section 17.22.040(E) shall apply.

17.22.070 COASTAL DEVELOPMENT.

A. General. The purpose of this Section is to comply with and implement applicable regulations adopted pursuant to Section 30620.6 and Section 30333 of the Public Resources Code of the State of California. Only properties within the Coastal Zone of the City of Port Hueneme, as defined by California Public Resources Code Section 30103, are subject to the provisions of this Section as well as all other provisions of this Title. The boundaries of the Coastal Zone and areas within which the Coastal Commission of the State of California retains original permit and appeal jurisdiction pursuant to this Section are set forth on the Post LCP Certification Permit and Appeal Jurisdiction Map as established and adopted by the Coastal Commission and all notations, references and other information shown on said Map shall be as much a part of this Title as if the matters and information set forth on said Map were fully described herein.

B. Definitions. As used in this Section, unless the context otherwise indicates, the following definitions shall apply:

1. Appealable Developments. Coastal developments constituting any of the following:

a. Projects, consisting of those defined in Sections 17.22.070(B)(5)(a) and 17.22.070(B)(5)(e), involving property located in an area within which the Coastal Commission retains appeal jurisdiction as set forth on the Post LCP Certification Permit and Appeal Jurisdiction Map referenced in Section 17.22.070(A); or

b. Public works projects or energy facilities, as defined in Sections 17.22.070(B)(5)(c) and 17.22.070(B)(5)(d), respectively, involving property located anywhere within the Coastal Zone but which is outside an area wherein the Coastal Commission retains original permit jurisdiction as set forth on the Post LCP Certification Permit and Appeal Jursidiction Map referenced in Section 17.22.070(A).

2. Categorical Exclusions. Projects which are exempt from the Development Review requirements of this Chapter by operation of California Public Resources Code Sections 30610(e) and 30610.5.

3. Coastal Commission. Coastal Commission of the State of California.

4. Coastal Development. Development, as defined by Section 17.22.070(B)(5) but not including categorical exclusions, involving property located anywhere within the Coastal Zone.

5. Development. Projects constituting any of the following:

a. A project approved by the City pursuant to provisions of Section 17.22.030 or Section 17.22.040, not including minor modifications to Development or Administrative Permits;

b. A project defined as a categorical exclusion by operation of Section 17.22.070(B)(2);

c. A public works project, as defined by California Public Resources Code Section 30114, which exceeds [$50,000] $100,000 in estimated cost of construction and does not otherwise meet the criteria specified in Sections 30610, 30610.5, 30611, or 30624 of the Public Resources Code of the State of California; *

d. An energy facility, as defined by California Public Resources Code Section 30107, which exceeds [$50,000] $100,000 in estimated cost of construction; or *

e. A subdivision, lot split or other division of land approved by the City pursuant to the Subdivision Map Act of the State of California (commencing with Section 66410 of the Government Code).

6. First Public Road Paralleling the Sea. That road nearest to the sea, as defined in Section 30115 of the Public Resources Code of the State of California, which: *

a. Is lawfully open to uninterrupted public use and is suitable for such use; *

b. Is publically maintained; *

c. Is an improved, all-weather road open to motor vehicle traffic in at least one direction; *

d. Is not subject to any restrictions on use by the public except when closed due to an emergency or when closed temporarily for military purposes; and *

e. Does in fact connect with other public roads providing a continuous access system, and generally parallels and follows the shoreline of the sea so as to include all portions of the sea where the physical features such as bays, lagoons, estuararies, and wetlands cause the waters of the sea to extend landward of the generally continuous coastline. *

[6] 7. Non-Appealable Developments. Coastal developments constituting any of the following: *

a. Projects, consisting of those defined in Sections 17.22.070(B)(5)(a) and 17.22.070(B)(5)(e), involving property located anywhere within the Coastal Zone but which is outside of an area within which the Coastal Commission retains appeal jurisdiction as set forth on the Post LCP Certification Permit and Appeal Jurisdication Map referenced in Section 17.22.070(A); or

b. Public works projects or energy facilities, as defined by California Public Resources Code Sections 30114 and 30107, respectively, not exceeding [$50,000] $100,000 in estimated cost of construction which do not otherwise meet criteria specified in Sections 30610, 30610.5, 30611, or 30624 of the Public Resources Code of the State of California, and which involve property located anywhere within the Coastal Zone but outside of an area wherein the Coastal Commission retains original permit jurisdiction as set forth on the Post LCP Certification Permit and Appeal Jurisdiction Map referenced in Section 17.22.070(A).

C. Development Review Procedures. The provisions of this Section and appeal provisions of Sectuion 17.22.070(D) are applicable to all coastal developments except those which involve property located in an area within which the Coastal Commission retains original permit jurisdiction as set forth on the Post LCP Certification Permit and Appeal Jurisdiction Map referenced in Section 17.22.070(A).

1. Project Determinations. Determinations as to whether a coastal development constitutes an appealable development, non-appealable development or categorical exclusion shall be made as follow:

a. For coastal developments originated or initiated by the City or other governmental entity, determinations shall be made by the City at the earliest possible date on or after the date of project inception, but in no event later than:

1) The time at which application for such development is made and accepted by the City for filing; or

2) Where no formal application is required, no later than the time at which an irrevocable commitment of funds is made relative to such development.

b. If a City determination is challenged by an applicant or interested person, or if the City chooses to have a Coastal Commission determination as to the appropriate designation, such disputes or questions shall be referred to the Coastal Commission for resolution in accordance with lawful regulations adopted pursuant to California Public Resources Code Section 30620.6 and Section 30333.

2. Notice Requirements. Notice for coastal developments shall be given by the City in the following manner:

a. Procedure.

1) Appealable Developments. For appealable developments which require public hearing under any Title of the Port Hueneme Municipal Code, such hearing shall be noticed and conducted in accordance with applicable Municipal Code provisions; provided, however, that at a minimum, notice by first class mail is given to those persons listed in Section 17.22.070(C)(2)(b) not less than ten (10) days prior to the date of each such hearing, which notice, at a minimum, shall contain that information specified in Section 17.22.070(C)(2)(c)(1). For appealable developments which do not require public hearing under any Title of the Port Hueneme Municipal Code, such developments shall be deliberated and acted upon by the City Council following the conduct of a minimum of one (1) public hearing pursuant thereto and

adoption of written findings required by Section 17.22.080(A); provided, further, that such public hearing shall be preceded by written notice given by first-class mail to those persons listed in Section 17.22.070(C)(2)(b) not less than seven (7) days prior to the date on which the first public hearing is scheduled, which notice, at a minimumm shall contain the information specified in Section 17.22.070(C)(2)(c)(1). If a decision on an appealable development is not made on the date so noticed and the matter is continued to a time which is neither previously stated in the required notice nor announced at the notice time as being continued to a time certain, then a new notice shall be given in the same manner and within the same time frame as specified for the original notice as required herein.

2) Non-Appealable Developments. For non-appealable developments which require public hearing under any Title of the Port Hueneme Municipal Code, such hearings shall be noticed and conducted in accordance with applicable Municipal Code provisions; provided, however, that at a minimum, notice by first class mail be given to those persons listed in Section 17.22.070(C)(2)(b) not less than ten (1) days prior to the date of each such hearing, which notice, at a minimum, shall contain that information specified in Section 17.22.070(C)(2)(c)(1). For non-appealable developments which do not require public hearing under any Title of the Port Hueneme Municipal Code, such developments shall be deliberated and acted upon in accordance with applicable Municipal Code provisions; provided, however, that at a minimum, notice by first class mail is given to those persons listed in Section 17.22.070(C)(2((b) not less than ten (10) days prior to the date a decision is scheduled to be made on each such development, which notice, at a minimum, shall contain that information specified in Section 17.22.070(C)(2)(c)(2). If a decision on a non-appealable development is not made on the date so noticed and the matter is continued to a time which is neither previously stated in the required notice nor announced at the noticed time as being continued to a time certain, then a new notice shall be given in the same manner and within the same time frame as specified for the original notice as required herein.

3) Categorical Exclusions. Categorical exclusions shall be exempt from the notice requirements of this Section. Records for all permits issued for categorically excluded development shall be maintained by the City pursuant to the provisions of the Port Hueneme Municipal Code and shall be made available to the Coastal Commission or any interested person upon request. All permit records for categorically excluded developments shall, at a minimum, contain the applicant's name and description of the nature and location of the project.

b. Distribution List. For all appealable and non-appealable developments, notice required pursuant to Section 17.22.070(C)(2)(a) shall be given to the following persons:

1) Each applicant;

2) All persons who have requested to be on the mailing list for each particular project or for all decisions concerning projects within the Coastal Zone;

3) All property owners and residents within one-hundred (100) feet of the perimeter of the parcel upon which each project is proposed; provided, however, that in the event the number of persons to whom which notice would be sent is greater than one-thousand (1,000), notice in lieu thereof may be given by publishing a display advertisement of at least one-fourth (¼) page in a newspaper having general circulation within such area, or, in lieu of a display advertisement, a notice may be inserted with any generalized mailing sent by the City to property owners and

residents within the area affected by the project such as a billing for City services; and

4) [Regional and State] Coastal Commission.

c. Notice Contents.

1) Public Hearing Required. For appealable and non-appealable developments which require public hearing under any Title of the Port Hueneme Municipal Code, notice of public hearing required pursuant to Section 17.22.070(C)(2)(a) shall, at a minimum, contain the following information:

a) A statement that the project is within the Coastal Zone;

b) The date of filing of the application and the name of the applicant;

c) The number assigned to the application;

d) A description of the project and its proposed location;

e) The date, time and place at which the application will be heard by the City;

f) A brief description of the general procedure of the City concerning the conduct of the hearing and local actions related thereto; and

g) The system for City and Coastal Commission appeals, including any filing fees required.

2) No Public Hearing Required. For non-appealable developments which do not require public hearing by any Title of the Port Hueneme Municipal Code, notice of decisions concerning the same as required pursuant to Section 17.22.070(C)(2)(a) shall, at a minimum, contain the following information:

a) A statement that the project is within the Coastal Zone;

b) The date of filing of the application and name of the applicant;

c) The number assigned to the application;

d) A description of the project and its proposed location;

e) The date the application will be acted upon by the City;

f) The general procedure of the City concerning the submission of public comments either in writing or orally prior to a decision being rendered on the matter; and

g) A statement that a public comment period, of sufficient time to allow for the submission of comments by mail, will be held prior to the decision being made.

3. City Action.

a. Finality. A City decision on a coastal development shall be deemed final when the City's decision on such development has been made and, for appealable and non-appealable developments, the following has been satisfied:

1) Findings.

a) Local Compliance. Where stipulated under applicable provisions of the Port Hueneme Municipal Code or as required by operation of law, written findings are made and adopted in conjunction with the City's decision.

b) Coastal Act Conformity. Specific factual findings are made in conjunction with the City's decision concerning the development's conformance with the City's certified Local Coastal Program and, where applicable, the public access and recreation policies of Chapter 3 of the California Coastal Act of 1976.

2) Fulfillment. All rights of appeal, as provided under applicable provisions of the Port Hueneme Municipal Code, have been exhausted.

b. Notification. Within seven (7) days of a final City decision on an appealable or non-appealable development, the City shall give written notice of its action by first class mail to the Coastal Commission and to any person who has so requested, which notice, at a minimum, shall contain the conditions of approval and required findings and specify the procedures for appeal of the City's decision to the Coastal Commission. If the City has failed to act on an application for an appealable or non-appealable development within the time limits set forth in Section 65950 through 65957.1 of the Government Code of the State of California, the person claiming a right to proceed pursuant to such Sections shall give written notice to the City and the Coastal Commission of his or her claim that the project, as identified in the notice, has been approved by operation of law. When the City determines that the time limits established pursuant to California Government Code Section 65950 through 65957.1 have expired, the City shall, within seven (7) days of its determination, give written notice to the Coastal Commission and to any person who has requested, that the City has taken final action by operation of law and that the project may be appealed to the Coastal Commission pursuant to Section 13100 et seq. of the Administrative Code of the State of California. *

D. Coastal Commission Appeals. Appeals to the Coastal Commission are limited solely to City decisions on appealable developments subject to the following provisions:

1. Effectuation of City Actions. Unless an appeal is filed with the Coastal Commission pursuant to the provisions of California Public Resources Code Section 30603(a)(1) or the City has failed to comply with the notification provisions of Section 17.22.070(C)(3)(b), the effective date of a City decision on an appealable development shall be the later of:

a. Ten (10) working days following the date of receipt by the Coastal Commission of the notice required pursuant to Section 17.22.070(C)(3)(b); or

b. Twenty-one (21) days following the date of final City action.

2. Appeal Periods. Appeal periods, for the purpose of Section 17.22.070(D)(1), shall commence upon the Coastal Commission's receipt of the City's notice of final action given pursuant to Section 17.22.070(C)(3)(b) and shall

terminate ten (10) working days thereafter. Where the notice provisions of Section 17.22.070(C)(3)(b) have not been lawfully satisfied, appeal periods and effective dates of City decisions on appealable developments shall be established by the Coastal Commission.

3. Eligible Appellants. An appellant for the purpose of Section 17.22.070 (D)(1) and 17.22.070(D)(2), may include any applicant, aggrieved person or any two (2) members of the Coastal Commission; provided, however, that an applicant or an aggrieved person must first have exhausted all rights of local appeal as provided under applicable provisions of the Port Hueneme Municipal Code; provided, further, that the requirements for exhaustion of all rights of local appeal shall not apply if any of the following occur:

a. No appeal provisions exist under the Port Hueneme Municipal Code for the project in dispute; or

b. The City charges a fee for the filing or processing of appeals.

E. Public Access Easements. Except as excluded by the provisions of California Public Resources Code Section 30212, all coastal development situated between the ocean and first public road paralleling the sea shall be subject to the public access requirements prescribed in this Section. *

1. Mandatory Dedications. As a condition requisite to project approval, easements shall be granted through the property upon which the coastal development is proposed to allow both vertical public access to the mean high tide line and latteral public access along the shore line. This requirement shall not apply in those circumstances wherein the configuration of property is such as to preclude adequate access corridors without adversely affecting the privacy of the property owner; provided, however, in no case shall development interfere with the public right of access to the sea where acquired through use unless an equivalent access to the same beach area is guaranteed. In areas where coastal bluffs exceed five (5) feet in height, the latteral easement shall include all beach seaward of the base of the bluff. In areas where the coastal bluffs are less than five (5) feet, the area of the easement to be granted shall be determined by the City based on findings reflecting historic use, existing and future public recreational needs, and coastal resource protection. At a minimum, the latteral easement shall be adequate to allow for latteral access during periods of high tide. In no case shall the latteral easement be required to be closer than ten (10) feet to a residential structure. In addition, all fences, no trespassing signs, and other such similar obstructions that may limit public latteral or vertical access shall be removed as a condition of project approval. *

2. Coastal Commission Review. In accordance with the procedures prescribed below, the executive director of the Coastal Commission shall review and approve all legal documents specified in the conditions of approval of a coastal development for public access easements: *

a. Document Submission. Upon satisfying the provisions of Section 17.22.070(C)(3)(a) and 17.22.070(D)(1) with respect to the finality and effectuation of a City decision on a coastal development, and prior to the City's issuance of development permits related thereto, the City shall forward a copy of the permit conditions and findings of approval and copies of the legal documents to the executive director of the Coastal Commission for review and approval of the legal adequacy and consistency with requirements of potential accepting agencies. *

b. Easement Review. The executive director of the Coastal Commission shall have fifteen (15) working days from receipt of the documents prescribed in Section 17.22.070(E)(2)(a) in which to complete the review and notify the applicant of recommended revisions, if any. If the executive director has recommended revisions to the applicant, requisite development permits shall not be issued until the deficiencies have been resolved to the satisfaction of the executive director.

c. Permit Issuance. The City may issue requisite development permits upon expiration of the fifteen (15) working day period if notification of inadequacy has not been received by the City within that time period.

[E] F. Developments Subject to Coastal Commission Approval. Nothing herein shall be construed as to limit or extend the Coastal Commission's jurisdiction with regard to coastal developments which are located in an area within which the Coastal Commission retains original permit jurisdiction. All such coastal developments either initiated or approved by the City shall be conditioned so as to require Coastal Commission approval prior to commencement of use or construction. Where building permits are required, no such permit shall be issued without evidence of Coastal Commission approval.

17.22.080 IMPLEMENTATION.

A. LCP Land Use Plan Consistency. All coastal developments must, as a prerequisite of approval, be consistent with all of the development policies of the City's Local Coastal Program Land Use Plan, which consistency shall be set forth in writing and incorporated with the findings promulgated by the City in connection with all decisions concerning such developments.

B. Construction Costs. On the anniversary date of adoption of this Chapter and annually thereafter, the values of construction referenced in Sections 17.22.030(H)(2)(e), 17.22.070(B)(5) and 17.22.070(B)(6) shall automatically be adjusted in accordance with the [Construction Price] Engineering News Record Construction Cost Index applicable to Port Hueneme as published by the United States Department of Labor.

C. Enforcement. Failure to comply with the terms and conditions of permits issued and decisions rendered under the provisions of this Chapter shall constitute violation of this Title in which case the provisions of Chapter 17.70 shall apply.

D. Permit Revocation. Any development, administrative, ministerial, or special use permit granted under this Chapter may be revoked if it is found that it is not being used in accordance with its terms or there has been a willful inclusion of inaccurate, erroneous or incomplete information in connection with the permit application, where the City finds that accurate and complete information would have caused the City to require additional or different conditions on a permit or deny an application. Revocation of either a Development or Administrative Permit shall be subject to public hearing before the Planning Commission pursuant to Section 17.22.030(F).

E. Fee Schedule. The City Council, upon recommendation of the Planning Commission, shall from time to time establish fees for all reasonable costs incurred in conjunction with the administration of this Chapter.

CHAPTER 17.26

ADULT BUSINESS AND FACILITIES

17.26.010 PURPOSE. In adopting this Chapter, it is recognized that certain types of adult entertainment facilities possess certain objectionable operational characteristics which when concentrated can have a deleterious effect upon adjacent areas. Special regulations of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood and will not have an adverse effect on minors.

17.26.020 DEFINITIONS. As used in this Chapter, the following terms shall have the following meanings:

A. "Specified sexual activities" means:

1. Human genitals in a state of sexual stimulation or arousal;

2. Act of human masturbation, sexual intercourse, or sodomy;

3. Fondling or other erotic touching of the human genitals, pubic region, buttocks, or female breasts.

B. "Specified anatomical areas" means:

1. Any of the following that are less than completely and opaquely covered:

a. Mature human genitals;

b. Mature human buttocks;

c. Mature human female breasts below a point immediately above the top of the areola; or

2. Human genitals in a discernibly turgid state, even if completely and opaquely covered.

C. "Adult newsrack" means any coin-operated machine or device which dispenses materials substantially devoted to the depiction of "specified sexual activities" or "specified anatomical areas".

D. "Adult book store" means an establishment having, as a substantial or significant portion of its stock and trade, books, magazines and other periodicals which are substantially devoted to the depiction of "specified sexual activities" or "specified anatomical areas".

E. "Adult motion picture threatre" means an enclosed building used for the presenting of material in the form of motion picture film, video, tape, or other similar means, which is substantially devoted to the depiction of "specified sexual activities" or "specified anatomical areas" for observation by persons therein.

F. "Paraphernalia business" means a store or establishment which sells or offers for sale an opium pipe or any device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking: (1) a controlled substance specified in Subdivision (b) or (c) of Section 11054 of the California Health and Safety Code, or

specified in paragraph (11), (12), or (17) of Subdivision (d) of Section 11054 of the California Health and Safety Code; or (2) a controlled substance which is a narcotic drug classified in Schedule III of Section 11056 of the California Health and Safety Code, or Schedule IV of Section 11057 of the California Health and Safety Code or Schedule V of the California Health and Safety Code.

17.26.030 LOCATION OF ADULT BUSINESS AND FACILITIES. No person, whether as principal or agent, clerk or employee, either for himself or any other person, or as an officer in any corporation, or otherwise, shall place, maintain, own or operate any adult book store, adult motion picture threatre, adult newsrack or paraphernalia business in the following locations:

A. In any residential zone in the City of Port Hueneme;

B. Within one-thousand (1,000) feet of any parcel of any real property on which is located any of the following activities:

1. A school attended by minors;

2. A church which conducts religious education classes attended by minors;

3. A park or recreation facility frequented by minors; or

C. Within five-hundred (500) feet of any other adult book store, adult motion picture threatre, adult newsrack, or paraphernalia business.

17.26.040 IMPOUNDING NEWSRACKS.

A. Provisions of Section 17.12.030(E) shall not be applicable to an adult newsrack if said adult newsrack is:

1. Completely within an adult book store or an adult motion picture threatre; or

2. The material dispensed from said adult newsrack is completely encased in an opaque covering and there is no display of materials, pictures, or photographs visible without opening the adult newsrack.

B. An adult newsrack found in violation of this Chapter may be impounded by any police officer of the City after the following actions have occured:

1. A notice of violation has been affixed to the adult newsrack stating the section of this Chapter which has been violated and stating that the adult newsrack will be impounded if the violation is not abated within three (3) days;

2. The violation has not been abated within three (3) days of the posting of notice of violation;

3. The police department has presented to any magistrate affidavits or other evidence sufficient to show prima facie violation of this Chapter;

4. A magistrate has issued a written order permitting the impounding of the adult newsrack pursuant to this Chapter.

C. Whenever an adult newsrack is impounded, a compliant for violation of this Section must be filed within fourteen (14) days of the impounding. If such action is

not commenced within fourteen (14) days, the adult newsrack, together with its contents and all monies, if any, shall be released to any person who provides sufficient proof of ownership of such adult newsrack, without requiring the payment of any impound fees.

D. The person who provides sufficient proof of ownership of such adult newsrack may have such adult newsrack, together with its contents and all monies, if any, returned upon paying impound fee of $25.00 or upon order of the magistrate, if any, who authorizes the seizure of the newsrack or pursuant to the terms of Paragraph B above. Should there be a dismissal of the action charging a violation of this Chapter, or an ecquittal of such charges, the court ordering such dismissal or entering such acquittal may provide for the release of any newsrack and its contents, if any, impounded or the return of any impound fee paid for the release of an adult newsrack impounded pursuant to such charges.

17.26.050 SEVERANCE CLAUSE. If any Section, Subsection, Subpart, or provision of this Chapter or the application thereof to any person, property, or circumstance is held invalid, the remainder of the Chapter and the accomplication of such to other persons, properties, or circumstances shall not be affected thereby.

CHAPTER 17.30

HOME OCCUPATIONS

17.30.010 PURPOSE. The purpose of this Chapter is to provide and regulate certain incidental and accessory uses which may be allowed in residential neighborhoods under conditions that will insure their compatibility with the neighborhood and to protect the rights of those residents who engage in certain home occupations that are harmonious with a residential environment.

17.30.020 PERMITTED USES. For purposes of this Chapter, "Home Occupations" is defined as those activities conducted entirely within a dwelling and/or its accessory buildings and carried on by the inhabitants thereof; provided, however, that the occupation is clearly incidental and secondary to the use of the dwelling or dwelling purposes and there is no display, no stock in trade or commodities sold upon the premises, no person employed and no furniture, machinery or other mechanical equipment used except such as is customarily necessary or incidental to domestic uses; and further, provided, that such occupation is in conformance with all performance standards specified in Section 17.30.040 necessary to protect the health, safety, public welfare and property values in the neighborhood. The following uses shall not be considered to be home occupations in any case and shall be regulated elsewhere in this Title:

A. Automobile and truck repair shops;

B. Barbershops;

C. Beauty salons;

D. Business or professional offices;

E. Care homes;

F. Clinics or hospitals;

G. Convalescent hospitals;

H. Fortunetelling;

I. General retail and service stores;

J. Garage sales (except on a limited basis of not more than two (2) days per year);

K. Kennels and boarding for pets;

L. Medical offices for physicians, dentists, osteopaths, and other practioners of the healing arts; and

M. Other occupations or uses of a character similar to the above as determined by the Director of Community Development or his designated representative.

17.30.030 MINISTERIAL PERMIT REQUIRED. Any person wishing to conduct a home occupation as defined in Section 17.30.030, which meets the performance standards for operation specified in Section 17.30.040, shall, after application therefore, be issued an Ministerial Permit pursuant to Section 17.22.040.

17.30.040 PERFORMANCE STANDARDS. Violation of one or more of the following standards shall be grounds for immediate revocation of an Ministerial Permit issued pursuant to Section 17.22.040:

A. Activities which violate any Section or Chapter of the Port Hueneme Municipal Code;

B. Activities conducted by persons other than members of the household occupying the dwelling;

C. Activities conducted outside the enclosed living area of the main dwelling unit;

D. Activities which generate any outdoor storage of materials, equipment or vehicles;

E. Activities requiring more than one room in the main dwelling unit or which occupy any space devoted to purposes specifically required by this Title (e.g., off-street parking, etc.); *

F. Activities requiring the employment of persons other than members of the household occupying the dwelling unit;

G. Activities causing change to the prinicipal character or use of the dwelling unit;

H. Activities involving exterior evidence of the conduct of a home occupation including, but not limited to, the parking of more than one (1) commercial vehicle on or immediately adjacent to the premises; *

I. Activities involving commercial sale of goods or rendering of services on the premises;

J. Activities creating greater vehicular or pedestrian traffic than normal for the district within which it is located;

K. Activities for which signs advertising or naming the home occupation are displayed on the premises or any advertising which divulges the dwelling's location; *

[K] L. Activites otherwise specified in this Title; *

[L] M. Activities not otherwise conducted between the hours of 7:00 a.m. and 7:00 p.m.; *

[M] N. Activities conducted in such a manner as to evidence use of the property other than for residential purposes to a substantial number of abutting residents or the public at large; or *

[N] O. Activities which produce or cause the production of objectionable or offensive elements not characteristic of residential areas in which the home occupa- *

tion occurs including, but not limited to, substantial quantities of noise, light, vibration, smoke, odor, humidity, radiation, heat, cold, glare, dust or dirt, electrical interference, abnormal pedestrian activity, abnormal vehicular traffic, television or radio interference or other such objectionable or offensive conditions.

CHAPTER 17.34

R-1: SINGLE FAMILY ZONE

17.34.010 PURPOSE. The purpose of this Chapter is to provide and regulate a zone for low density, single-family residential use. The zone is further intended to provide a quiet living environment free from rooming and boarding houses, commercial and industrial activities, and to the greatest degree possible, free from other than local vehicular traffic. The regulations specified in this Chapter shall apply to all property designated R-1 (Single-Family Zone) unless otherwise provided in this Title.

17.34.020 PERMITTED USES. No building or land shall be used and no building shall be hereafter erected or structurally altered except for one or more of the following uses:

A. One family dwellings;

B. Private greenhouses and horticultural collections, public parks, flower and vegetable gardens, and fruit trees;

C. Mobile Homes certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 USC 5401 et seq.) and placed on a permanent foundation system, pursuant to Section 18551 of the Health and Safety Code of the State of California;

D. The keeping of not more than two adult dogs and two adult cats and their litters up to the age of ten weeks;

E. Residential care facilities and day care centers serving six or fewer persons (not including licensee's immediate family); and

F. Boarding and lodging houses wherein not more than one (1) family nor more than two (2) persons are boarded or lodged.

17.34.030 CONDITIONAL USES. The following uses may be permitted in the R-1 Zone subject to the issuance of a Development Permit pursuant to Section 17.22.030 of this Title; provided, however, that the applicant shows that the use or uses proposed will not be injurious or detrimental to the public health, safety or welfare or to property in the vicinity or zine in which the use or uses will be situated; provided; further, that the Development Permit may be issued if potentially injurious or detrimental effects can be mitigated by the imposition of conditions requisite to issuance of said Permit:

A. Residential care facilities and day care centers for more than six persons (not including licensee's immediate family);

B. Mobile home parks; not including recreational vehicles, commercial coaches, or factory-built "modular" housing as defined in the Health and Safety Code of the State of California;

C. Schools;

D. Community centers;

E. Private recreation clubs;

F. Churches, temples, or similar places of worship;

G. Hospitals and medical office buildings (at least 50% of the leased space occupied by medical or dental facilities and the remainder of the leased space to be approved by the Planning Commission); and

H. Boarding houses and lodging houses (Among factors to be considered by the Planning Commission in determining whether to approve, deny, or conditionally approve an application for a Development Permit for a boarding or lodging house is the maximum number of residents proposed for the boarding or lodging house as compared to the average number of residents residing in residential structures on lots of the same size in the same zone).

17.34.040 DEVELOPMENT STANDARDS. In addition to the Development Standards specified in Chapter 17.18, and Use Regulations specified in Chapter 17.12, all property designated R-1 shall be subject to the following Development Standards; provided, however, that these standards may be superceded under a Planned Development Zone designation pursuant to Section 17.66.030 of this Title:

A. Height. No building hereafter erected or structurally altered shall exceed a height of thirty (30) feet.

B. Front Yard. There shall be a front yard of not less than twenty (20) percent of the depth of the lot, provided such front yard need not exceed twenty (20) feet.

C. Side Yard. On interior lots there shall be a side yard on each side of the building of not less than ten (10) percent of the width of the lot, provided, that such side yards need not exceed five (5) feet in width. On corner lots the side yard regulations shall be the same as with interior lots except in the case of a reversed corner lot. In the case of a reversed corner lot of not less than fifty (50) percent of the front yard of the lot immediately to the rear of such reversed corner lot, and no accessory building on said reversed corner lot shall project beyond the front yard line of the lot immediately to the rear of the reversed corner lot.

D. Rear Yard. There shall be a rear yard of not less than fifteen (15) percent of the depth of the lot, provided such rear yard need not exceed fifteen (15) feet.

E. Lot Area. No building hereafter erected or structurally altered shall be located on a lot of less than six-thousand (6,000) square feet in area; provided, however, that where a lot has less area than herein required, and was of record at the time this Title became effective, the lot may be improved by not more than one (1) family dwelling unit.

F. Lot Width. Lots shall have a width of not less than sixty (60) feet.

G. Lot Depth. Lots shall have a depth of not less than one-hundred (100) feet.

H. Density. There shall be not more than one (1) dwelling unit per lot, which dwelling may be occupied by not more than one (1) family.

I. Architectural Features. All one-family dwellings, including mobile homes placed on a permanent foundation in accordance with Section 17.34.020(C), room additions, and similar architectural features constructed, erected, or moved into an R-1 Zone on or after July 1, 1981, shall conform to the following standards:

1. No sheet metal roofs shall be permitted except those which are covered by wood shake, wood shingle, asphalt shingle, fiberglass shingle, concrete or clay tiles, or built-up roofs; provided, however that sheet metal awnings, patio covers, and other such similar roof appenditures may be installed in rear yards and screened side yards appurtenant to the main building.

2. All main buildings and structures shall have eave overhang of a minimum of sixteen (16) inches or a minimum of one (1) foot high paraphet standing above roof level along the periphery of the building.

3. No metal siding shall be permitted in front yards or unscreened side yards with the exception of non-corrugated, horizontally applied metal-lapped siding.

4. Garages and carports, as permitted and required, shall be constructed so as to match the exterior composition of dwellings with regard to colors, textures, and materials.

J. Minimum Size. No dwelling unit constructed, erected, or moved into an R-1 Zone on or after July 1, 1981, shall have an exterior width of less than twenty (20) feet nor shall any dwelling unit have a gross floor area of less than eight-hundred (800) square feet.

CHAPTER 17.38

R-2: LIMITED MULTI-FAMILY ZONE

17.38.010 PURPOSE. The purpose of this Chapter is to provide and regulate a zone for medium density residential use, generally maintaining the same residential character as found in an R-1 Zone. The regulations specified in this Chapter shall apply to all property designated R-2 (Limited Multi-Family Zone) unless otherwise provided in this Title.

17.38.020 PERMITTED USES. No building or land shall be used and no building shall be hereafter erected or structurally altered except for one or more of the following uses:

A. One family dwellings and mobile homes certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 USC 5401 et seq.) and placed on a permanent foundation system, pursuant to Section 18551 of the Health and Safety Code of the State of California; provided, however, that all such dwelling units constructed, erected, or moved into an R-2 Zone on or after July 1, 1981, shall conform to the development standards prescribed in Section 17.34.040 of this Title;

B. Two family dwellings;

C. Condominiums, apartments, or townhouses;

D. Private greenhouses and horticultural collections, public parks, flower and vegetable gardens, and fruit trees;

E. The keeping of not more than two adult dogs and two adult cats and their litters up to the age of ten weeks;

F. Residential care facilities and day care centers serving six or fewer persons (not including licensee's immediate family); and

G. Boarding and lodging houses wherein not more than one (1) family nor more than two (2) persons are boarded or lodged.

17.38.030 CONDITIONAL USES. The following uses may be permitted in the R-2 Zone subject to the issuance of a Development Permit pursuant to Section 17.22.030 of this Title; provided, however, that the applicant shows that the use or uses proposed will not be injurious or detrimental to the public health, safety or welfare or to property in the vicinity or zone in which the use or uses will be situated; provided, further, that the Development Permit may be issued if potentially injurious or detrimental effects can be mitigated by the imposition of conditions requisite to issuance of said Permit:

A. Residential care facilities and day care centers for more than six persons (not including licenssee's immediate family);

B. Mobile home parks, not including recreational vehicles, commercial coaches, or factory-built "modular" housing as defined in the Health and Safety Code of the State of California;

C. Schools;

D. Community centers;

E. Private recreation clubs;

F. Churches, temples, or similar places of worship;

G. Hospitals and medical office buildings (at least 50% of the leased space occupied by medical or dental facilities and the remainder of the leased space to be approved by the Planning Commission); and

H. Boarding houses and lodging houses (Among factors to be considered by the Planning Commission in determining whether to approve, deny, or conditionally approve an application for a Development Permit for a boarding or lodging house is the maximum number of residents proposed for the boarding or lodging house as compared to the average number of residents residing in residential structures on lots of the same size in the same zone).

17.38.040 DEVELOPMENT STANDARDS. In addition to the Development Standards specified in Chapter 17.18, Use and Maintenance Standards specified in Chapter 17.14, and Use Regulations specified in Chapter 17.12, all property designated R-2 shall be subject to the following Development Standards; provided, however, that these standards may be superceded under a Planned Development Zone designation pursuant to Section 17.66.030 of this Title:

A. Height. No building hereafter erected or structurally altered shall exceed a height of thirty (30) feet nor be more than two stories.

B. Front Yard. There shall be a front yard of not less than twenty (20) percent of the depth of the lot, provided such front yard need not exceed twenty (20) feet.

C. Side Yard. On interior lots there shall be a side yard on each side of the building of not less than ten (10) percent of the width of the lot, provided that such side yards need not exceed five (5) feet in width. On corner lots the side yard regulations shall be the same as for interior lots except in the case of a reversed corner lot. In the case of a reversed corner lot, there shall be a side yard on the street side of the reversed corner lot of not less than fifty (50) percent of the front yard of the lot immediately to the rear of such reversed corner lot, and no accessory building on said reversed corner lot shall project beyond the front yard line of the lot immediately to the rear of the reversed corner lot.

D. Rear Yard. There shall be a rear yard of not less than fifteen (15) percent of the depth of the lot, provided such rear yard need not exceed fifteen (15) feet.

E. Lot Area. No building hereafter erected or structurally altered shall be located on a lot of less than six-thousand (6,000) square feet in area; provided, however, that where a lot has less area than herein required and was of record at the time this Title became effective, the lot may be improved by not more than a one (1) family dwelling unit.

F. Lot Width. Each lot shall have a width of not less than sixty (60) feet.

G. Lot Depth. Each lot shall a depth of not less than one-hundred (100) feet.

H. Density. There shall be no more than one (1) dwelling unit for each twenty-nine hundred four (2,904) square feet of lot area, or one (1) mobile home, which dwellings may be occupied by not more than one (1) family each. If the aggregate number of dwellings allowed pursuant to this density results in a fraction of a unit, the closest whole number of dwelling units above or below one-half (½) shall be used.

CHAPTER 17.42

R-3: MULTIPLE FAMILY ZONE

17.42.010 PURPOSE. The purpose of this Chapter is to provide and regulate a zone for high density residential use. The regulations specified in this Chapter shall apply to all property designated R-3 (Multiple Family Zone) unless otherwise provided in this Title.

17.42.020 PERMITTED USES. No building or land shall be used and no building shall be hereafter erected or structurally altered except for one or more of the following uses:

A. One family dwellings;

B. Two family dwellings;

C. Multiple family dwellings;

D. Private greenhouses and agricultural collections, public parks, flower and vegetable gardens, and fruit trees;

E. The keeping of not more than one adult dog and one adult cat and their litters up to the age of ten weeks;

F. Residential care facilities and day care centers serving six or fewer persons (not including licensee's immediate family); and

G. Boarding and lodging houses wherein not more than one (1) family nor more than two (2) persons are boarded or lodged.

17.42.030 CONDITIONAL USES. The following uses may be permitted in the R-3 Zone subject to the issuance of a Development Permit pursuant to Section 17.22.030 of this Title; provided, however, that the applicant shows that the use or uses proposed will not be injurious or detrimental to the public health, safety or welfare or to property in the vicinity or zone in which the use or uses will be situated; provided, further, that the Development Permit may be issued if potentially injurious or detrimental effects can be mitigated by the imposition of conditions requisite to issuance of said Permit:

A. Boarding houses and lodging houses (Among factors to be considered by the Planning Commission in determining whether to approve, deny, or conditionally approve an application for a Development Permit for a boarding or lodging house is the maximum number of residents proposed for the boarding or lodging house as compared to the average number of residents residing in residential structures on lots of the same size in the same zone);

B. Residential care facilities and day care centers for more than six persons (not including licensee's immediate family);

C. Mobile home parks, not including recreational vehicles, commercial coaches, or factory-built "modular" housing as defined in the Health and Safety Code of the State of California;

D. Schools;

E. Community centers;

F. Private recreation clubs;

G. Churches, temples, or similar places of worship;

H. Mobile home park; and

I. Hospitals and medical office buildings (at least 50% of the leased space occupied by medical or dental facilities and the remainder of the leased space to be approved by the Planning Commission).

17.42.040 DEVELOPMENT STANDARDS. In addition to the Development Standards specified in Chapter 17.18, Use and Maintenance Standards specified in Chapter 17.14, and Use Regulations specified in Chapter 17.12, all property designated R-3 shall be subject to the following Development Standards; provided, however, that these standards may be superceded under a Planned Development Zone designation pursuant to Section 17.66.030 of this Title:

A. Height. No building hereafter erected or structurally altered shall exceed a height of forty (40) feet nor be more than three stories.

B. Front Yard. There shall be a front yard of not less than twenty (20) percent of the depth of the lot, provided such yard need not exceed twenty (20) feet. However, where lots comprising forty (40) percent or more of the frontage of the block are developed with buildings having an average front yard with a variation of not more than six (6) feet, no building hereafter erected or structurally altered on such block shall project beyond the average front yard line so established; provided, however, in no case shall a front yard of more than forty (40) feet be required.

C. Side Yard. On interior lots with buildings not exceeding two and one-half (2½) stories in height, there shall be a side yard on each side of the building of not less than ten (10) percent of the width of the lot, provided that such side yard shall not be less than five (5) feet in width. For lots with buildings exceeding two and one-half (2½) stories in height, each side yard shall be increased on foot in width for each additional story, or a fraction thereof, above the second floor. On corner lots, the side yard regulations shall be the same as for interior lots except in the case of the reversed corner lot. In the case of a reversed corner lot, there shall be a side yard on the street side of the reversed corner lot of not less than fifty (50) percent of the front yard of the lot immediately to the rear of such reversed corner lot and no accessory building on said reversed corner lot shall project beyond the front yard line of the lot immediately to the rear of the reversed corner lot.

D. Rear Yard. There shall be a rear yard of not less than twenty-five (25) percent of th depth of the lot, provided such rear yard need not exceed twenty (20) feet.

E. Lot Area. No building hereafter erected or structurally altered shall be located on a lot of less than six-thousand (6,000) square feet; provided, however, that a lot having less area than required herein and of record when this Title became effective, the lot may be improved by no more than a one (1) family dwelling unit.

F. Lot Width. Each lot shall have a width of not less than sixty (60) feet.

G. Lot Depth. Each lot shall have a depth of not less than one-hundred (100) feet.

H. Density. There shall be not more than one dwelling unit for each seventeen hundred forty-two (1,742) square feet of lot area which dwellings may be occupied by not more than one (1) family each. If the aggregate number of dwellings allowed pursuant to this density results in a fraction of a unit, the closest whole number of dwelling units above or below one-half (½) shall be used.

CHAPTER 17.44

R-4: TRANSITIONAL RESIDENTIAL/COASTAL-RELATED INDUSTRY ZONE

17.44.010 PURPOSE. The purpose of this Chapter is to provide and regulate a zone for the gradual and orderly transition of residential and commercial uses to those of a coastal-related nature. Under the provisions of this Chapter, it is intended that coastal-related uses be allowed to develop in accordance with General Plan and Local Coastal Program land use policies without depriving property owners of reasonable use concurrent with protecting the health, safety and general welfare of the public. The regulations specified in this Chapter shall apply to all property designated R-4 (Transitional Residential/Coastal-Related Industry Zone) unless otherwise provided in this Title.

17.44.020 PERMITTED USES. No building or land shall be used and no building shall be hereinafter erected or structurally altered except for one or more of the following uses:

A. One family dwellings;

B. Two family dwellings;

C. Condominiums, apartments or townhouses;

D. Residential care facilities and day care centers serving six or fewer persons (not including licensee's immediate family);

E. Private greenhouses and horticultural collections, public parks, flower and vegetable gardens, and fruit trees; and

F. The keeping of not more than two adult dogs and two adult cats and their litters up to the age of ten weeks.

17.44.030 CONDITIONAL USES. The following uses may be permitted in the R-4 Zone subject to the issuance of a Development Permit pursuant to Section 17.22.030; provided, however, that the applicant shows that the use or uses proposed will not be injurious or detrimental to the public health, safety or welfare or to property in the vicinity or zone in which the use or uses will be situated; provided, further, that the Development Permit may be issued if potentially injurious or detrimental effects can be mitigated by the imposition of conditions requisite to issuance of said Permit:

A. Harbor-Related Office Uses. Offices and establishments doing business with coastal-dependent industries including:

1. Business offices of port users; and

2. Professional and general offices of establishments doing business with the port or its users, or with the U.S. Naval Construction Battalion Center and Naval Civil Engineering Laboratory.

B. Harbor-Related Storage/Warehousing. The storage and warehousing of products in transit to or from the Port of Hueneme.

C. Marine Science/Research. Laboratory, research, and other facilities related to analysis and evaluation of the ocean, marine life, and man's relation to it.

17.44.040 DEVELOPMENT STANDARDS. In addition to the Development Standards specified in Chapter 17.18, Use and Maintenance Standards specified in Chapter 17.14, and Use Regulations specified in Chapter 17.12, all property designated R-4 shall be subject to the following Development Standards; provided, however, that these standards may be superceded under a Planned Development Zone designation pursuant to Section 17.66.030 of this Title:

A. Permitted Uses. All permitted uses of this Chapter shall comply with the development standards which apply to uses within an R-2 (Limited Multi-Family Zone) as specified in Section 17.38.030 of this Title;

B. Conditional Uses. All conditional uses approved pursuant to this Chapter shall comply with the development standards which apply to uses within a M-CR (Coastal -Related Industry Zone) as specified in Section 17.58.040 of this Title; provided, however, that the building height limitations, yard requirements and lot area standards applicable to the R-2 (Limited Multi-Family Zone) shall supercede those standards specified in Section 17.58.040 of this Title.

CHAPTER 17.46

C-1: GENERAL COMMERCIAL ZONE

17.46.010 PURPOSE. The purpose of this Chapter is to provide and regulate a zone for general business and commercial uses within the City. The regulations specified in this Chapter shall apply to all property designated C-1 (General Commercial) Zone unless otherwise provided in this Title.

17.46.020 PERMITTED USES. No building or land shall be used and no building shall be hereafter erected or structurally altered except for one or more of the following uses:

A. The following specified uses are allowed:

1. Antique store;

2. Auctions and auctioneers;

3. Automobile service station;

4. Bakery (employing not more than five persons on premises);

5. Barber shop or beauty shop;

6. Bank;

7. Blueprinting and photocopying;

8. Book or stationery store;

9. Cleaning and pressing establishments using non-inflammable and non-explosive cleaning fluid;

10. Confectionary store;

11. Conservatory of music;

12. Department store;

13. Dressmaking and sales or millinery store;

14. Drug store;

15. Dry goods or notions store;

16. Florist shop;

17. Funeral parlor;

18. Furniture store;

19. Garage, commercial (excepting truck repair);

20. Grocery or fruit store;

21. Hardware store;

22. Interior decorating store;

23. Jewelry store;

24. Laundry or clothes cleaning agency;

25. Liquor store;

26. Meat market or delicatessan store;

27. Medical laboratory;

28. Music store;

29. News stand or newspaper vending;

30. Nursery, flower or plants;

31. Offices, business or professional;

32. Pet shop;

33. Private clubs, fraternities, sororities, and lodges;

34. Radio and television store;

35. Restaurant, tearoom, or cafe (excluding dancing or entertainment);

36. Service station occupying less than 150 feet of frontage on any one street;

37. Shoe store or shoe repair shop;

38. Storage garage;

39. Studio, photography or film developing;

40. Tailor, clothing or wearing apparel shop;

41. Threater or auditorium;

42. Trade school;

43. Uses of structures which are incidental or accessory to any of the uses permitted in the zone; and

44. Retail stores and businesses not otherwise specified above.

17.46.030 CONDITIONAL USES. The following uses may be permitted in the C-1 Zone subject to the issuance of a Development Permit pursuant to Section 17.22.030; provided, however, that the applicant shows that the use or uses proposed will not be injurious or detrimental to the public health, safety or welfare or to property in the vicinity or zone in which the use or uses will be situated; provided, further, that

the Development Permit may be issued if potentially injurious or detrimental effects can be mitigated by the imposition of conditions requisite to issuance of said Permit:

A. Car wash;

B. Establishments for the sale of alcholic beverages for consumption on the premises;

C. Hospital and medical office buildings;

D. Hotels, motels and boatels;

E. Kennels and Veterinarian Hospitals;

F. Trailer and mobile home sales;

G. Trailer and equipment sales and rentals;

H. Used car sales; [and]

I. Permitted uses which do not otherwise comply with the provisions of Section 17.46.050; and

J. Arcades, as defined in Section 3.20.010 of the Port Hueneme Municipal Code, subject to the following conditions:

1. Place. Arcades shall be prohibited within five-hundred (500) feet of the property boundary of any public or private school, church, or park.

2. Hours of Operation. The hours of operation of an arcade may be between 3:00 p.m. and 10:00 p.m. on Mondays through Fridays, and 9:00 a.m. through 10:00 p.m. on Saturdays, Sundays, and on holidays as designated in Section 6702 of the Government Code of the State of California.

3. Bicycle Racks. Bicycle racks shall be placed on site in locations approved by the Director of Community Development. Bicycle racks shall provide one (1) bicycle stall for every three (3) amusement devices, as the term "amusement device" is defined in Section 3.20.010 of the Port Hueneme Municipal Code.

4. Exterior Walls. All exterior walls shall have a sound transmission class rating of fifty-four (54).

5. Liquor. No alcholic beverages of any kind, including, but not limited to, wine and beer, shall be sold, served, consumed, or permitted to be sold, served, or consumed in any arcade to or by any person.

6. Tokens. Amusement devices as defined in Section 3.20.010 of the Port Hueneme Municipal Code, shall be operated only by tokens which may be purchased on the premises of the arcade.

7. Restrooms. Separate public restroom facilities for males and females shall be provided on the arcade premises.

8. Supervision. At least one (1) adult shall be in attendance at all times that the arcade is open and shall provide adequate management and control over the activities at the arcade premises. Such adult shall not have any duties of selling

tokens or repairing the amusement devices, as defined in Section 3.20.010 of the Port Hueneme Municipal Code, while the arcade is open. *

9. Lighting. A minimum of two (2) foot candle illumination must be maintained in all parts of the arcade when the arcade is open. *

10. Revocation of Permit. Operation of a business in violation of any condition attached to the Development Permit shall be grounds for revocation or non-renewal of any license, permit, or other entitlement previously issued by the City, for the privilege of engaging in such business and shall be grounds for denial of any further license, permit or other entitlement authorizing the conduct of such business or any other business, if the business includes the operation of an arcade. The applicant shall include with the application for a Development Permit a certified copy of any license which is required to be secured from any governmental agency in order to use the property for an arcade. *

17.46.040 DEVELOPMENT STANDARDS. In addition to the Development Standards specified in Chapter 17.18, Use and Maintenance Standards specified in Chapter 17.14, and Use Regulations specified in Chapter 17.12, all property designated C-1 shall be subject to the following development standards; provided, however, that these standards may be superceded under a Planned Development Zone designation pursuant to Section 17.66.030 of this Title:

A. Height. No building hereinafter erected or structurally altered shall exceed a height of six (6) stories or seventy-five (75) feet.

B. Front Yard. No front yard shall be required except as necessary to conform with off-street parking and landscaping standards pursuant to Chapter 17.18 of this Title.

C. Side Yard. There shall be a side yard of not less than five (5) feet for each C-1 lot which abuts upon the side of a lot in any R-1, R-2, or R-3 Zone. Where the rear of a reversed corner lot abuts upon a lot in any R-1, R-2, or R-3 Zone, the side yard on the street side of the reversed corner lot shall be not less than fifty (50) percent of the front yard required on the lots in the rear of such corner lot. In all other cases, a side yard for a C-1 property shall not be required.

D. Rear Yard. There shall be a rear yard of not less than twenty (20) feet.

E. Lot Area. No building hereafter erected or structurally altered shall be located on a lot of less than six-thousand (6,000) square feet in area.

F. Lot Width. Each lot shall have a width of not less than sixty (60) feet.

G. Lot Depth. Each lot shall have a depth of not less than one-hundred (100) feet.

H. On-Site Improvements.

1. Fences, Hedges and Walls.

a. Wherever off-street parking areas are situated across the street from property in a residential district, landscaping and/or a berm three (3) feet in height shall be erected between the landscaped area required pursuant to Section 17.18.030, and the parking area so as to adequately screen said parking from residential properties.

b. A solid masonry fence of not less than six (6) feet in height shall be built and maintained on those sides of the property that adjoin an R-1, R-2, R-3 Zone, school or park.

c. All mechanical equipment, incuding heating and air conditioning units shall be completely screened from the surrounding properties by use of a wall or fence constructed of a material compatible with the main building, or shall be enclosed entirely within the building.

d. Walls or fences of sheet or corrugated iron, steel, aluminum, asbestos, or security chain link fencing are specifically prohibited.

2. Landscaping.

a. All building sites shall have a minimum landscape coverage of ten (10) percent of the net buildable area.

b. An automatic underground sprinkler system for all landscaped areas shall be required.

c. All planting areas are to be kept free of weeds and debris.

d. All plantings are to be kept in a healthy and growing condition. Fertilization, cultivation and tree pruning shall be part of the regular maintenance.

e. Irrigation systems shall be kept in a working condition. Adjustments, replacements, repairs and cleaning shall be part of the regular maintenance.

3. Storage and Refuse Collection Areas.

a. All outdoor storage and refuse collection areas shall be screened so that materials stored within these areas shall not be visible from any access street or adjacent property.

b. A trash enclosure shall be provided for all storage and refuse collection areas, unless the proposed location of such areas are completely enclosed by walls or buildings. The free-standing trash enclosure shall be constructed of masonry block and designed so as to screen all trash stored within; provided, however, that such enclosures shall be constructed to a height of not greater than six (6) feet.

4. Sheet Metal Walls. No building or structure having exterior walls or corrugated sheet metal shall be erected, altered, enlarged, or moved into the C-1 Zone except under the following circumstances:

a. Said metal building is an accessory building to the principal commercial building and all uses therein are incidental to the permitted use of the property;

b. Said metal building is substantially screened from public view; and

c. Said metal building is allowed by a Development or Administrative Permit, issued pursuant to Sections 17.22.030 or 17.22.040, or a modification thereto.

17.46.050 PERFORMANCE STANDARDS. No permitted use listed in Section 17.46.020 shall involve any kind of manufacture, processing or treatment of products other than that which is clearly germane to the use listed and is incidental to the retail business conducted on the premises and provided that no more than five (5) persons are employed in the manufacture, processing, or treatment of products; provided, further, that no permitted use shall be allowed which involves any operation which is objectionable due to noise, odor, dust, smoke, vibration, or other similar causes.

CHAPTER 17.50

C-S: SPECIAL COMMERCIAL ZONE

17.50.010 PURPOSE. The purpose of this Chapter is to provide and regulate a zone for beach and port related commercial, recreational, and visitor-serving uses in response to the provisions of the California Coastal Act of 1976, in order that public opportunities for coastal recreation be enhanced, as provided by Sections 30221 and 30222 of the Public Resources Code of the State of California. The regulations specifed in this Chapter shall apply to all property designated C-S (Special Commercial) Zone unless otherwise provided in this Title.

17.50.020 PERMITTED USES. No building or land shall be used and no building shall be hereafter erected or structurally altered except for one or more of the following uses:

A. Visitor-Serving Facilities. Development which provides accommodations, food, or services for tourists, visitors and residents, including:

1. Restaurants, fast food establishments, delicatessens, confectionary and ice cream stores;

2. Hotels, motels and boatels;

3. Museums; and

4. Music and theatre/entertainment establishments.

B. Commercial-Recreational Facilities. Facilities which provide, serve or enhance recreational needs, including:

1. Sportfishing ticket offices and related facilities;

2. Racketball, tennis and related sport participant facilities;

3. Sporting equipment rental shops;

4. Marine hardware establishments;

5. Bait/tackle supplies and sporting good stores;

6. Retail fish markets;

7. Sport fish cleaning services; and

8. Ice supply shops.

17.50.030 CONDITIONAL USES. The following uses may be permitted in the C-S Zone to the extent that they are fully consistent with the use criteria, including the specific geographic requirements, applicable to Market Street Landing as set forth in the Land Use Plan of the Local Coastal Program; provided, further, that no Development Permit shall be required under the provisions of Section 17.22.030 of this Title so long as the use or uses proposed do not involve any physical alteration of land or structure other than improvements which are clearly incidential or accessory to the use including, but not limited to, furnishings, equipment, and signs; provided,

further, that such improvements may be allowed only if they do not constitute a major modification as defined in Section 17.22.030(H)(2) and are otherwise consistent with the provisions of any pre-existing development permit which serves the same general function and purpose as that prescribed in Sections 17.22.030 and 17.22.040 of this Title:

A. Limited General Commercial Uses. General commercial uses of a professional, service-oriented or specialized retail nature may be permitted in the C-S Zone so long as they are situated northerly of the intersection of Port Hueneme Road and Seaview Street; provided, further, that such uses may only be comprised of the following:

1. Bakeries;

2. Barbershops;

3. Financial institutions;

4. Florist shops;

5. Delicatessens;

6. Newstands;

7. Confectionary stores;

8. Art and photo studios;

9. Offices, professional or business;

10. Travel agencies;

11. Antique shops; and

12. Specialty retail shops.

B. Harbor-Related Office Uses. Office and establishments doing business with coastal-dependent industries may be permitted in the C-S Zone so long as they are situated northerly of the existing Ventura County Railroad right-of-way; provided, further, that such uses may only be comprised of the following:

1. Business offices of port users; and

2. Professional and general offices of establishments doing business with the port or users, or with the Naval Construction Battalion Center and Naval Civil Engineering Laboratory.

17.50.040 DEVELOPMENT STANDARDS. Minimum development standards applicable to the C-S Zone shall be the same standards as apply to the C-1 (General Commercial) Zone as prescribed in Section 17.46.040; provided, however, that these standards may be superceded under a Planned Development Zone designation pursuant to Section 17.66.030 of this Title.

17.50.050 PRE-EXISTING NONCONFORMING USES. Uses within the C-S (Special Commercial) Zone existing as of the effective date of this Chapter which are nonconforming to the Permitted Uses listed in Section 17.50.020, may be continued or changed to a

comparable nonconforming use provided that there is no increase or enlargement of the area, space, or volume occupied or devoted to such nonconforming uses nor any increase in the intensity of such uses and provided, further, that such uses were, on the effective date of this Chapter, in conformance with the underlying zone classification in effect immediately prior thereto.

CHAPTER 17.54

P-R: PARK RESERVE ZONE

17.54.010 PURPOSE. The purpose of this Chapter is to provide and regulate a zone for public and quasi-public recreational uses, buildings and related human resources. The regulations specified in this Chapter shall apply to all property designated P-R (Park Reserve) Zone unless otherwise provided in this Title.

17.54.020 PERMITTED USES. No building or land shall be used and no building shall be hereafter erected or structurally altered except for one or more of the following uses:

A. Public park;

B. Recreational buildings and facilities;

C. Public parking; and

17.54.030 CONDITIONAL USES. The following uses may be permitted in the P-R Zone subject to the issuance of a Development Permit pursuant to Section 17.22.030; provided, however, that the applicant shows that the use or uses proposed will not be injurious or detrimental to the public health, safety, or welfare or to property in the vicinity or zone in which the use or uses will be situated; provided, further, that the Development Permit may be issued if the potentially injurious or detrimental effects can be mitigated by the imposition of conditions requisite to issuance of said Permit:

A. Community centers;

B. Assembly buildings for public and private use; and

C. Commercial uses and buildings which are incidental or accessory to any of the uses listed in Sections 17.54.020 or 17.54.030.

17.54.040 DEVELOPMENT STANDARDS. In addition to the Development Standards specified in Chapter 17.18, Use and Maintenance Standards specified in Chapter 17.14, and Use Regulations specified in Chapter 17.12, all property designated P-R shall be subject to the following Development Standards; provided, however, that these standards may be superceded under a Planned Development Zone (hereinafter PD) designation pursuant to Section 17.66.030 of this Title:

A. Height. No building hereafter erected or structurally altered shall exceed a height of three (3) stories or fifty (50) feet.

B. Setbacks. All buildings and structures shall be set back a minimum of five (5) feet from the midline between the main walls of building structures situated on adjoining lots not otherwise zoned P-R.

C. Building Site Coverage. A maximum building site coverage of twenty-five percent (25%) of the net area of all continguous lots zoned P-R shall be allowed.

CHAPTER 17.58

M-CR: COASTAL-RELATED INDUSTRY ZONE

17.58.010 PURPOSE. The purpose of this Chapter is to provide and regulate a zone for coastal-related industrial uses other than those requiring direct water adjacency. The regulations specified in this Chapter shall apply to all property designated M-CR (Coastal-Related Industry) Zone unless otherwise provided in this Title.

17.58.020 PERMITTED USES. No building or land shall be used and no building shall be hereafter erected or structurally altered except for one or more of the following uses:

A. Harbor-Related Manufacturing/Processing. The manufacturing, assembling, or processing of products in transit to or from the Port of Hueneme.

B. Harbor-Related Storage/Warehousing. The storage and warehousing of products in transit to or from the Port of Hueneme.

C. Industrial/Office. Administrative offices directly related to the operation of permitted industrial uses, excluding offices not engaged in operating industrial uses located on the property.

D. Marine Science/Research. Laboratory, research, and other facilities related to analysis and evaluation of the ocean, marine life, and man's relation to it.

17.58.030 CONDITIONAL USES. The following uses may be permitted in the M-CR Zone subject to the issuance of a Development Permit pursuant to Section 17.22.030; provided, however, that the applicant shows that the use or uses proposed will not be injurious or detrimental to the public health, safety or welfare or to property in the vicinity or zone in which the use or uses will be situated; provided, further, that the Development Permit may be issued if potentially injurious or detrimental effects can be mitigated by the imposition of conditions requisite to issuance of said Permit:

A. Fish processing;

B. Auto transport preparations;

C. Storage or warehousing of automobiles, lumber, offshore oil, exploration equipment, boats and other marine vessels in dry dock, and open storage of any product, where such storage constitutes more than fifty (50) percent of the total site area;

D. Energy and public works facilities including marshalling areas, maintenance yards and public utilities; and

E. Uses other than those listed herein which have been approved as part of the Port Master Plan certified by the Coastal Commission.

17.58.040 DEVELOPMENT STANDARDS. In addition to the Development Standards specified in Chapter 17.18, Use and Maintenance Standards specified in Chapter 17.14, and Use Regulations specified in Chapter 17.12, all property designated M-CR shall be subject to the following development standards; provided, however, that these standards may be superceded under a Planned Development Zone designation pursuant to Section 17.66.030 of this Title:

A. Lot Area.

1. Each lot shall have a minimum of fifteen-thousand (15,000) square feet.

2. The maximum building site coverage shall be fifty (50) percent of the net area of the site.

B. Setbacks.

1. Street Setbacks. Setbacks from streets shall be a minimum of twenty (20) feet from the ultimate right-of-way.

2. Side Setbacks. The side setbacks for all uses shall be a minimum of ten (10) feet except that the side setback for interior lots may be zero (0) feet provided the main building structure on same lot line of the abutting parcel is setback at zero (0) feet, and both parcels are developed at the same time.

3. Residential Adjacency. No structure shall be located closer to an adjacent residentially zoned parcel than at a distance equal to twice the height of the structure.

4. Architectural Feature Setback Exceptions.

a. Roof overhangs may project six (6) feet into a twenty (20) foot or greater setback and three (3) feet into any setback less than twenty (20) feet.

b. Steps and open and unenclosed staircases may project into the setback area.

c. No building hereafter erected or structurally altered shall exceed a height of thirty-five (35) feet or two (2) stories.

17.58.050 DESIGN STANDARDS. In addition to Development Standards specified in this Chapter and Chapter 17.18, the Use and Maintenance Standards specified in Chapter 17.14, and the Use Regulations specified in Chapter 17.12, all property designated M-CR shall be subject to the following design standards; provided, however, that these standards may be superceded under a Planned Development Zone designation pursuant to Section 17.66.030 of this Title:

A. Perimeter Screening.

1. When a lot abuts a residential zone, a six (6) foot solid masonry wall and/or some other screening approved by the City shall be erected on the zone boundary.

2. A solid wall and/or some other screening approved by the City may be required along the perimeter of all areas which by reason of the condition of the property or physical hazards are considered by the Planning Commission to be dangerous to the public health or safety.

3. A solid wall shall be erected surrounding any area devoted to open storage.

4. Walls or fences of sheet or corrugated iron, steel, aluminum, asbestos, or security chain-link fencing are specifically prohibited except as security chain-

link fencing may be permitted when combined with redwood battens or a similar aesthetic treatment.

5. Perimeter screening shall not be required if deemed unnecessary by the Development Review Committee, based upon its approval of submitted development and landscaping plans which establish to its satisfaction that attractive development will occur in keeping with the intended residential/recreational nature of the community.

B. Required Landscaping.

1. General.

a. All improved building sites shall have a minimum landscape coverage of five (5) percent. Landscaping shall consist of an effective combination of sculpturing, street trees, ground cover, and shrubbery.

b. Dry landscape materials may be used inside in rear setback areas only. All unpaved, non-work areas (excluding vacant lots) shall be landscaped.

c. An automatic underground sprinkler system for landscaped areas shall be provided.

d. No usage or storage is permitted within the required landscaped areas.

2. Boundary Areas. Perimeter landscaping shall be required for all lots fronting a public right-of-way. The landscaping shall be placed along the entire length of these property lines and shall be of sufficient width to accommodate the number of trees required. One (1) tree per fifteen (15) linear feet of lot frontage on a public right-of-way, which may be clustered or grouped, shall be planted in the boundary area in addition to required ground cover and shrub material.

3. Driveway and Parking Areas.

a. Driveway and parking areas shall be separated from adjacent landscaping by a wall or curb at least four (4) inches high, but no more than two and one-half (2½) feet high.

b. Parking areas shall be screened so as to minimize the effect from all adjacent access streets and other properties. Plant materials used for screening shall consist of bermed, linear, or grouped masses of shrubs and/or trees of a sufficient size and height to meet this requirement.

c. One (1) tree per each five (5) parking stalls, which may be clustered or grouped, shall be installed within the parking area. Boundary planting will not be counted toward this requirement. Trees shall be placed so as to give relief to the monotony of the rows of parked vehicles.

4. Undeveloped Areas. Undeveloped areas will be maintained in a weed-free condition.

5. Landscaping Maintenance.

a. Prior to the installation of the landscaping within the public right-of-way, the developer shall provide for the continuing maintenance by an agreement with the City.

b. Lawn and ground cover are to be trimmed or mowed regularly. All planting areas are to be kept free of weeds or debris.

c. All planting areas are to be kept in a healthy growing condition. Fertilization, cultivation, and tree pruning shall be a part of regular maintenance.

d. On a continuing basis, all dead and/or missing plants shall be replaced.

e. Irrigation systems shall be kept in good working condition. Adjustment, replacement, repairs, and cleaning shall be a part of regular maintenance.

f. Stakes, guides, and ties on trees shall be checked regularly for correct functioning. Ties are to be adjusted to avoid creating abrasions or girdling on trunks or branches.

C. Access. Vehicular access to lots fronting on a primary or secondary thoroughfare shall be such that there shall be a paved turning area on the lot or a device to permit motor vehicles to head into the street. Such turning device or area shall be in accordance with the standards prescribed by the Director of Public Works.

D. Storage and Refuse Collection Areas.

1. All outdoor storage areas and refuse collection areas shall be screened so that the materials stored within these areas shall not be visible to access streets, freeways, and adjacent properties.

2. Outdoor storage shall include all company owned and operated motor vehicles, except for passenger vehicles.

3. Storage or refuse collection areas shall not be permitted within setback areas.

E. Loading Areas. Street side loading, on other than special landscaped streets, will be allowed providing the loading is set back a minimum of seventy (70) feet from the street right-of-way line. Said loading areas shall be screened from view of adjacent streets.

F. Telephone and Electrical Service Facilities. All "on-site" telephone and electrical lines twelve (12) KB or less will be placed underground. Transformer or terminal equipment will be screened from view of adjacent streets and properties.

G. Other. So as to provide local access for the users and prevent congestion and other hazards related to the use of the land permitted in this zone, the following improvements are deemed necessary, and these must be guaranteed by a bond or amount of money satisfactory to the City filed before any building or use permit may be issued. The City Council may waive these requirements where their application is impractical.

1. Streets shall have been improved to the standards approved by the City Council.

2. Sidewalks shall have been installed.

3. Alleys shall have been paved.

17.58.060 PRE-EXISTING NONCONFORMING USES. Uses within the M-CR (Coastal-Related Industry) Zone existing as of the effective date of this Chapter which are nonconforming to the Permitted Uses listed in Section 17.58.020, may be continued or changed to a comparable nonconforming use provided that there is no increase or enlargement of the area, space, or volume occupied or devoted to such nonconforming uses nor any increase in the intensity of such uses and provided, further, that such uses were, on the effective date of this Chapter, in conformance with the underlying zone classification in effect immediately prior thereto.

CHAPTER 17.62

M-CD: COASTAL-DEPENDENT INDUSTRY ZONE

17.62.010 PURPOSE. The purpose of this Chapter is to provide and regulate a zone for industrial uses requiring direct water adjacency which meet the definition of "coastal-dependent development or use" provided in Section 30101 of the Public Resources Code of the State of California. The regulations specified in this Chapter shall apply to all property designated M-CD (Coastal-Dependent Industry) Zone unless otherwise provided in this Title.

17.62.020 PERMITTED USES. No building or land shall be used and no building shall be hereafter erected or structurally altered except for one or more of the following uses:

A. Ship On- and Off-Loading. Structures and equipment related to loading and unloading of vessels calling at the Port of Hueneme, including those related to ship maintenance and repair.

B. Short-Term Storage/Warehousing. Interim storage of products actively in transit through the Port of Hueneme.

17.62.030 CONDITIONAL USES. Uses other than those listed in Section 17.62.020 which have been approved as part of the Port Master Plan certified by the Coastal Commission may be permitted in the M-CD Zone subject to the issuance of a Development Permit pursuant to Section 17.22.030; provided, however, that the applicant shows that the use or uses proposed will not be injurious or detrimental to the public health, safety, or welfare or to property in the vicinity or zone in which the use or uses will be situated; provided, further, that the Development Permit may be issued if potentially injurious or detrimental effects can be mitigated by the imposition of conditions requisite to issuance of said Permit.

17.62.040 DEVELOPMENT STANDARDS. Development standards within the M-CD Zone shall be those which apply in the M-CR Zone.

17.62.050 DESIGN STANDARDS. Design standards within the M-CD Zone shall be those which apply to the M-CR Zone.

CHAPTER 17.66

PD: PLANNED DEVELOPMENT ZONE

17.66.010 PURPOSE. The purpose of this Chapter is to provide a superimposed zone which may be attached to the various zoning districts within the City so as to provide for flexibility in development, creative and imaginative design, and the development of parcels of land as coordinated projects involving a mixture of residential densities and housing types, community facilities and commercial and industrial uses.

17.66.020 LOCATION OF ZONE. The PD (Planned Development) Zone designation applies to all property so designated on the Zoning Map of the City of Port Hueneme as of the date of this Chapter and as may subsequently be added by ordinance of the City Council. In addition, all property described below is hereby placed in the PD Zone:

A. All parcels contained within the Coastal Zone as set forth on the Post LCP Certification Permit and Appeal Jurisdiction Map referenced in Section 17.22.070(A) of this Title.

B. All parcels not zoned R-1, R-2 or R-3 which abut land contained within an R-1 Zone.

17.66.030 DEVELOPMENT STANDARDS. The development standards prescribed herein apply solely to residential and commercial properties zoned PD which contain not less than twenty-thousand (20,000) square feet. The development standards of the underlying districts within which the aforementioned properties are located are superceded by the standards prescribed herein and additional standards which may be imposed pursuant to Section 17.22.030(F); provided, however, that the provisions of this Section in no way change or supercede the uses permitted in the underlying zone district within which such properties are located nor do the provisions of this Section supercede the Development Standards specified in Chapter 17.18, Use and Maintenance Standards specified in Chapter 17.14, or Use Regulations specified in Chapter 17.12.

A. Conventional Single-Family Planned Developments.

1. Lot Area. A minimum lot area of four-thousand (4,000) square feet per dwelling unit shall be allowed; provided, however, that the average lot area in a single planned development shall be five-thousand (5,000) square feet.

2. Front and Rear Yard. A minimum front and rear yard setback of fifteen (15) feet shall be allowed.

3. Side Yard. No side yard setback shall be required; provided, however, that a minimum of ten (10) feet is maintained between a structure on the immediately adjacent lot. This minimum standards shall be maintained unless one of the following conditions prevail:

a. Structures which abut private areas such as a plaza, park, mall or other permanent open space may abut the common property line and have openings onto such appurtenances; or

b. An attached or detached garage or carport may abut a side property line or another structure; provided, however, that no garage openings are located on the abutting surface.

4. Garages. A minimum setback of twenty (20) feet from the ultimate street right-of-way and front-on garages shall be allowed; provided, however, that this minimum standard may be decreased to within ten (10) feet of this ultimate street right-of-way if adequate parking is otherwise provided on-site.

5. Building Site Coverage. Building site coverage shall include all areas under a roof excluding trellis areas and shall be limited by setback requirements only.

6. Height. A maximum height of thirty-five (35) feet shall be allowed for all buildings.

7. Density. The number of dwelling units allowed within a single planned development shall be governed by the density standards applicable to the underlying zone district within which the property is situated.

B. Townhouse, Condominium, and Apartment Planned Developments.

1. Setbacks.

a. General Provisions. As used in this Section, the following definitions and provisions shall apply:

1) Setback. The term "setback" shall mean the shortest horizontal distance between a structure and the relevant reference point. In cases of unique building or site design, minimum average setbacks for all structures within a project pursuant to Section 17.66.030(B)(2)(a) shall be determined by the Director of Community Development on the basis of predominent exterior building features rather than the closest point of a structure to a relevant reference point; provided, further, that setbacks between structures which abut a common driveway or which are separated by a street shall not be included within the computation of minimum project averages.

2) Structure. The term "structure", as defined in Section 17.08.770, shall include the outermost limits of a lot or dwelling including patios, balconies, entry courts, and other such similar features germane to such lot or dwelling.

3) Right-of-Way. The term "right-of-way", as it applies to private streets, shall mean the outermost improved limits of a street as measured from curbface to curbface.

b. Building Minimums. The following setbacks constitute the minimum required for all structures:

1) Off-Street Parking. Five (5) feet from open, unenclosed off-street parking;

2) Interior Streets. Ten (10) feet from interior street rights-of-way;

3) Perimeter Boundaries. Ten (10) feet from property lines where such boundaries do not otherwise abut a perimeter street;

4) Perimeter Streets. Fifteen (15) feet from perimeter street rights-of-way; and

5) Building Separations. Fifteen (15) feet between on-site structures.

c. Project Averages. The following setbacks constitute the minimum average required for all structures, collectively, within a single planned development:

1) Off-Street Parking. Ten (10) feet from open, unenclosed off-street parking;

2) Interior Streets. Fifteen (15) feet from interior street rights-of-way;

3) Perimeter Boundaries. Fifteen (15) feet from property lines where such boundaries do not otherwise abut a perimeter street;

4) Perimeter Streets. Twenty (20) feet from perimeter street rights-of-way; and

5) Building Separations. Twenty (20) feet between on-site structures.

2. Exceptions. These minimum setback standards shall be maintained unless one of the following conditions prevail:

a. Structures which abut public areas such as a plaza, park, mall or other permanent open space may abut the common property line and have openings onto such appurtenances; or

b. An attached or detached garage or carport may abut a side property line or another structure; provided, however, that no garage openings are located on the abutting surface.

3. Garages. A minimum setback of twenty (20) feet from the ultimate street right-of-way and front-on garages shall be required; provided, however, that this minimum standard may be decreased to within ten (10) feet of the ultimate street right-of-way if adequate parking is otherwise provided on-site.

4. Building Site Coverage. Building site coverage, including all areas under a roof excluding trellis areas, shall not exceed sixty-five (65) percent of the net site area.

5. Height. A maximum height of thirty-five (35) feet shall be allowed for all buildings.

6. Density. The number of dwelling units allowed within a single planned development shall be governed by the density standards applicable to the underlying zone district within which the property is situated.

C. Commercial Planned Developments.

1. Setbacks.

a. Perimeter Boundaries. A minimum setback of five (5) feet shall be maintained from all street rights-of-way and property lines; provided, however, that

this minimum shall be increased by five (5) feet for each story above the second floor.

b. Residential Adjacency. No structure shall be located closer to an adjacent residentially zoned parcel than at a distance equal to one-half (½) the height of the structure.

2. Height. A maximum height of seventy-five (75) feet shall be allowed for all buildings.

3. Landscaping.

a. General. A minimum of twenty (20) percent of the net site area shall be allowed for landscaping. Landscape improvements shall consist of an effective combination of sculpturing, street trees, ground cover, and shrubbery, and shall be provided with an automatic irrigation system. Dry landscape materials may be used in side and rear yard areas only. All unpaved, non-work areas (excluding vacant lots) shall be landscaped.

b. Boundary Areas. Boundary landscaping shall be required on all interior property lines which abut property not otherwise zoned C-1 or C-S. The landscaping shall be placed along the entire length of these property lines and shall be of a sufficient width to accommodate a number of trees required. One (1) tree per thirty (30) linear feet of each interior property line, which may be clustered or grouped, shall be planted in the boundary area in addition to required ground cover and shrub material.

c. Screening. Landscaping shall be used to screen storage areas, trash enclosures, parking areas, public utilities and other similar land uses or elements which do not contribute to enhancement of the surrounding area. A combination of fences, hedges and walls shall be employed to adequately buffer commercial properties from residential districts which adjoin or are adjacent to such properties.

d. Maintenance. All landscaped areas shall be kept free of weeds and debris. Lawn and ground cover is to be trimmed and/or mowed regularly. All plantings are to be kept in a healthy and growing condition. Fertilization, cultivation, and tree pruning shall be part of regular maintenance. Irrigation systems shall be kept in working order. Adjustments, replacements, repair and cleaning shall be part of regular maintenance. Stakes, guys and ties on trees shall be checked regularly for corrective action. Ties are to be adjusted to avoid creating abrasions or girdling on trunks and branches.

4. Parking.

a. General. Parking may be located on a continuous site; provided, however, that an agreement recorded with the County Recorder's Office shall be executed providing for reservation of the use of the contiguous site for parking. This agreement shall be signed by the owner(s) of the contiguous site and filed with the Department of Community Development.

b. Landscaping. Planter area curbs may be used in place of wheel stops; provided, however, that such planter areas are not less than six (6) feet in width.

5. Signs.

a. General. In addition to those signs permitted in Section 17.18.040(D), additional monument and special identification signs may be allowed under the circumstances delineated in Sections 17.66.030(C)(3)(b) and 17.66.030(C)(3)(c) below and provided that such additional signs are compatible with the design features applicable to a commercial planned development.

b. Monument Signs. In a shopping center or multiple business property which has a second or third ingress/egress from a street other than the right-of-way which serves as the property's principal frontage, which ingress/egress is separated from the principal frontage by one or more separate parcels of record and which provides access to secondary business entrances and parking areas, an additional monument sign with an area of one-half (½) square foot of sign area per linear foot of street frontage is permitted subject to all other conditions specified in this Section; provided, further, that the additional monument sign allowed herein may only be erected adjacent to the secondary or tertiary ingress/egress which serves such property.

c. Special Identification Signs. In a shopping center or multiple business property which has a second or third ingress/egress from a street other than the right-of-way which serves as the property's principal frontage, a special identification sign may be permitted, which signs may include, but are not limited to, thematic towers and roof mounted structures; provided, however, such signs may be used only to identify the property as a whole as differentiated from advertising signs which incorporate the names or products associated with individual businesses.

6. Refuse Collection and Loading Areas.

a. Location. Storage or refuse collection shall not be permitted within front or side yard areas. Street side loading may be allowed; provided, however, that such areas are screened from view of adjacent streets.

b. Screening. All outdoor storage and refuse collection areas shall be screened so materials stored within these areas shall not be visible from any access street, freeway, or adjacent property. Outdoor storage of all company owned and operated motor vehicles, except for passenger vehicles, shall be screened from view from all access streets, freeways, and adjacent properties.

D. Architectural Guidelines. The following colors, materials, and related architectural elements are generally illustrative of compatible and incompatible design features applicable to both residential and commercial planned developments:

1. Compatible Design Features.

a. Earth-tone colors and materials such as off-white, off-red, and beige; subdued yellow or orange, orange-red, red, burnt red, and brown; and natural greens.

b. Heavy wood beams; stucco, stained concrete and slumped stone finishes; wood sideing, masonry veneers, split-face block, brick, used-brick, and cast concrete.

c. Tile, concrete tile, shake, shingle, slate, and clay roofs.

d. Hip or gable roofs on small one (1) story structures.

e. Wood-capped fences, ornaments, railings, and fixtures.

f. Arches and over-hanging eaves.

g. Careful and creative landscaping to enhance, to highlight and to strengthen the design characteristics of on-site improvements.

h. Low profile monument signs.

i. Patterned concrete walkways, street entries, and driveway approaches.

2. Incompatible Design Features.

a. Bright, shiny, or non-textured metal or exterior surfaces; porcelain, plastic or similar surfaces of non-earthen hues.

b. Bright, fluorescent type or non-earthen tone colors.

c. Exposed mechanical equipment, including vents and exhausts; above ground telephone and electrical lines of twelve (12) KV or less; unscreened transformer or terminal equipment.

d. Non-descript or boxy buildings without facade or other recognizable characteristic or distinctive style or theme; any building design that is dominated or intended to be dominated by signs or commercial advertising.

e. Lighting accentuating or intending to accentuate advertising or not shielded and not arranged to reflect away from any adjoining property.

f. Paper, cloth, plastic, and metal flags or other similar devices reflecting display purposes.

g. Extensive chain link fencing without off-setting landscaping features.

h. Unscreened or unobstructed loading docks and trash and service areas.

i. Plastic or artificial plants or landscaping.

17.66.040 DEVELOPMENT REVIEW.

A. Applicability. All projects involving property situated within a PD Zone are subject to the Development Review Procedures specified in Chapter 17.22; provided, however, that the following classes of development shall be exempt:

1. Improvements to Existing Developed Properties. Improvements to existing developed properties shall be exempt from the provisions of Sections 17.22.030 and 17.22.040 of this Title so long as such properties and improvements meet all of the following criteria:

a. Qualification of Property. The property upon which improvements are proposed:

1) Has, as of the effective date that such property was initially zoned PD, been developed in accordance either with the development standards of the

underlying zone district within which the property is situated or in accordance with those development standards prescribed in Section 17.66.030 of this Chapter; and

2) Is not governed by a pre-existing development permit issued by the City which serves the same general function and purpose as that prescribed in Sections 17.22.030 and 17.22.040 of this Title.

b. Qualification of Improvements. The improvements proposed do not constitute a major modification as defined in Section 17.22.030(H)(2).

2. Repair and Maintenance. Repair and maintenance of existing developed properties and unimproved vacant land shall be exempt from the provisions of Sections 17.22.030 and 17.22.040 of this Title so long as such repair and maintenance does not result in an addition to, or enlargement or expansion of, the object of such repair or maintenance.

3. Permitted Uses of Existing Developed Properties. Permitted uses of existing developed properties shall be exempt from the requirements of Sections 17.22.030 and 17.22.040 of this Title so long as all of the following criteria is met:

a. Use Limitation. The use or uses proposed consist of permitted uses as listed in the underlying zone district within which the property is situated.

b. Improvement Limitation. The use or uses proposed do not involve any physical alteration of land or structure other than improvements which are clearly incidental or accessory to the use including, but not limited to, furnishings, equipment and signs; provided, further, that such improvments may be allowed only if they do not constitute a major modification as defined in Section 17.22.030(H)(2) and are otherwise consistent with the provisions of any pre-existing development permit which serves the same general function and purpose as that prescribed in Sections 17.22.030 and 17.22.040 of this Title.

c. Code Compliance. The use or uses proposed are in compliance with the Development Standards specified in Chapter 17.18, Use and Maintenance Standards specified in Chapter 17.14, and Use Regulations specified in Chapter 17.12.

4. Replacement Due to Natural Disaster. Replacement of any structure, other than a public works facility, destroyed by natural disaster shall be exempt from the provisions of Sections 17.22.030 and 17.22.040 of this Title so long as all of the following criteria is met:

a. Use Limitation. The replacement structure is to be for the same use as the destroyed structure.

b. Improvement Limitation. The replacement structure does not exceed either the floor area, height, or bulk of the destroyed structure by more than ten (10) percent and is to be sited in the same location on the affected property as the destroyed structure.

c. Code Compliance. The replacement structure is in compliance with the development standards applicable in the underlying zone district within which the affected property is situated.

d. General Provisions. As used in this Section, the following definitions and provisions apply:

1) Natural Disaster. The term "natural disaster" shall mean any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.

2) Bulk. The term "bulk" shall mean the total interior cubic volume as measured from the exterior surfaces of a structure.

5. Abatement of Nuisances. Abatement of public nuisances under the provisions of Chapter 17.14 shall be exempt from the provisions of Sections 17.22.030 and 17.22.040 of this Title so long as curative actions are limited to:

a. Repair, Rehabilitation, Vacation and Removal. Repair, rehabilitation, vacation or removal of the conditions which constitute the public nuisance to the extent necessary to remedy the same.

b. Demolition. Demolition of the premises wherein the conditions which constitute the public nuisance endanger the life, limb, health, property, safety, or welfare of the public or occupants thereof.

6. Categorical Exclusions. *

a. Single Family Residences. The construction of a single-family residence shall be exempt from the provisions of Sections 17.22.030 and 17.22.040 of this Title so long as all of the following criteria is met: *

1) Qualification of Property. The property upon which construction is proposed: *

a) Is not governed by a pre-existing development permit issued by the City which serves the same general function and purpose as that prescribed in Section 17.22.030 and 17.22.040 of this Title; *

b) Is limited to an existing, single legal lot of record, not in conjunction with the construction of two (2) or more single-family residences; and *

c) Is not located in or on nor is comprised of any of the following: *

1/ Tide or submerged land, beaches, or lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach; or *

2/ Land or water subject to the public trust. *

2) Qualification of Construction. The use and improvements proposed: *

a) Consist solely of permitted uses and improvements as listed in the underlying zone district within which the property is situated; and *

b) Conform with the development standards applicable to the underlying zone district within which the property is situated. *

b. Demolition. The demolition of structures shall be exempt from the provisions of Sections 17.22.030 and 17.22.040 of this Title so long as all of the following criteria is met: *

1) Qualification of Property. The property upon which demolition is proposed:

a) Is not governed by a pre-existing development permit issued by the City which serves the same general function and purpose as that prescribed in Sections 17.22.030 and 17.22.040 of this Title;

b) Is not situated within a Park Reserve (P-R) Zone nor is it deemed to be of historial, archaeological or architectural significance; and

c) Is not located in or on nor is comprised of any of the following:

1/ Tide or submerged land, beaches, or lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is no beach; or

2/ Land or water subject to the public trust.

2) Qualification of Structure. The demolition proposed:

a) Is limited to the following:

1/ Single-family residences not in conjunction with the demolition of two (2) or more units;

2/ Apartments and duplexes designed for not more than four (4) dwelling units if not in conjunction with the demolition of two (2) or more such structures;

3/ Stores and offices if designed for an occupant load of twenty (20) persons or less, if not in conjunction with the demolition of two (2) or more such structures;

4/ Accessory (appurtenant) structures including garages, carports, patios, swimming pools and fences; or

5/ A combination of the foregoing, not in conjunction with more than one (1) legal lot of record; and

b) Is excluded from the replacement requirements of Section 65590 of the Government Code of the State of California.

c. Public Works Projects. Public works projects, as defined by California Public Resources Code Section 30114, which do not otherwise meet the criteria specified in Sections 30610, 30610.5, 30611 or 30624 of said Code, shall be exempt from the provisions of Chapter 17.22 of this Title so long as all of the following criteria is met:

1) Qualification of Property. The property involved as part of the public works project:

a) Is not governed by a pre-existing development permit issued by the City which serves the same general function and purpose as that prescribed in Sections 17.22.030 and 17.22.040 of this Title; and

b) Is not located in or on nor is comprised of any of the following:

1/ Tide or submerged land, beaches, or lots immediately adjacent to the inland extent of any beach, or of the mean high tide line of the sea where there is not beach; or

2/ Land or water subject to the public trust.

2) Qualification of Improvements. The public works project is limited to the following:

a) Public Facilities and Improvements. Acquisition, construction, reconstruction, rehabilitation or installation of public facilities and improvements under the following circumstances:

1/ Replacement and Upgrading. The facilities and improvements replaced or upgrade existing facilities and improvements without more than a minimal change in use, size, capacity, or location to the extent that such facilities and improvements do not constitute a major modification as defined in Section 17.22.030(H)(2) of this Title (e.g., replacement of water or sewer lines, undergrounding of utilities, public housing modernization, reconstruction of curbs and sidewalks, repaving streets, rehabilitation of public buildings); and

2/ Furnishings and Equipment. The facilities and improvements furnish or equip a site where its replacement and use is consistent with the use of that site and the action will not change the use, size, capacity, or character of the site (e.g., landscaping, street furniture, play equipment for established parks and playgrounds, fire protection equipment, street medians).

b) Removal of Architectural Barriers. Special projects directed to the removal of material and architectural barriers which restrict the mobility and accessibility of elderly or handicapped persons to publicly owned and privately owned buildings, facilities, and improvements.

B. Determinations of Exemption. Determinations as to whether a project is exempt from the requirements of Chapter 17.22 under the provisions of Section 17.66.040(A) shall be made by the Director of Community Development or his designated representative no later than the time which application is customarily made for either a business license or building permit; provided, further, that the following provisions shall apply:

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1. Qualification of Property. Where a project involves property which is governed by a pre-existing development permit which serves the same general function and purpose as that prescribed in Sections 17.22.030 and 17.22.040 of this Title, such projects shall be processed as permit amendments in accordance with the provisions of Sections 17.22.030(H) and 17.22.040(F), as applicable.

2. Qualification of Improvements. Where it is determined that a project is not exempt and the property involved is not governed by a pre-existing development permit which serves the same general function and purpose as that prescribed in Sections 17.22.030 and 17.22.040 of this Title, such projects shall require the issuance of new permits in accordance with the aforesaid Sections, as applicable.

3. Ministerial and Special Use Permits. Where it is determined that a project is exempt under the provisions of Section 17.66.040(A), yet the project

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constitutes an action for which either a Ministerial or Special Use Permit is otherwise required, such projects shall be subject to the requirements of Sections 17.22.050 and 17.22.060, as applicable.

C. Rectroactivity. All property situated within a PD Zone which is governed by a pre-existing development permit issued by the City and which serves the same general purpose and function of that prescribed in Sections 17.22.030 and 17.22.040 of this Title, shall, as of the effective date of this Chapter, be deemed to be in conformance with the development standards prescribed in Section 17.66.030 of this Chapter and the development standards of the underlying zone district within which such property is situated; provided, however, that such property must otherwise be in compliance with the terms and conditions of the development permit issued pursuant thereto; provided, further, that all future improvements to such property must hereinafter comply, in all respects, with the provisions of this Title.

CHAPTER 17.70

ENFORCEMENT

17.70.010 COMPLIANCE. All departments, officials, or public employees vested with the duty or authority to issue permits or licenses where required by law, shall conform to the provisions of this Title. No such license or permit for uses, buildings, or purposes where the same would be in conflict with the provisions of this Title shall be issued. Any such license or permit, if issued in conflict with the provisions hereof, shall be null and void. Any uses contrary to the provisions of this Title are declared unlawful.

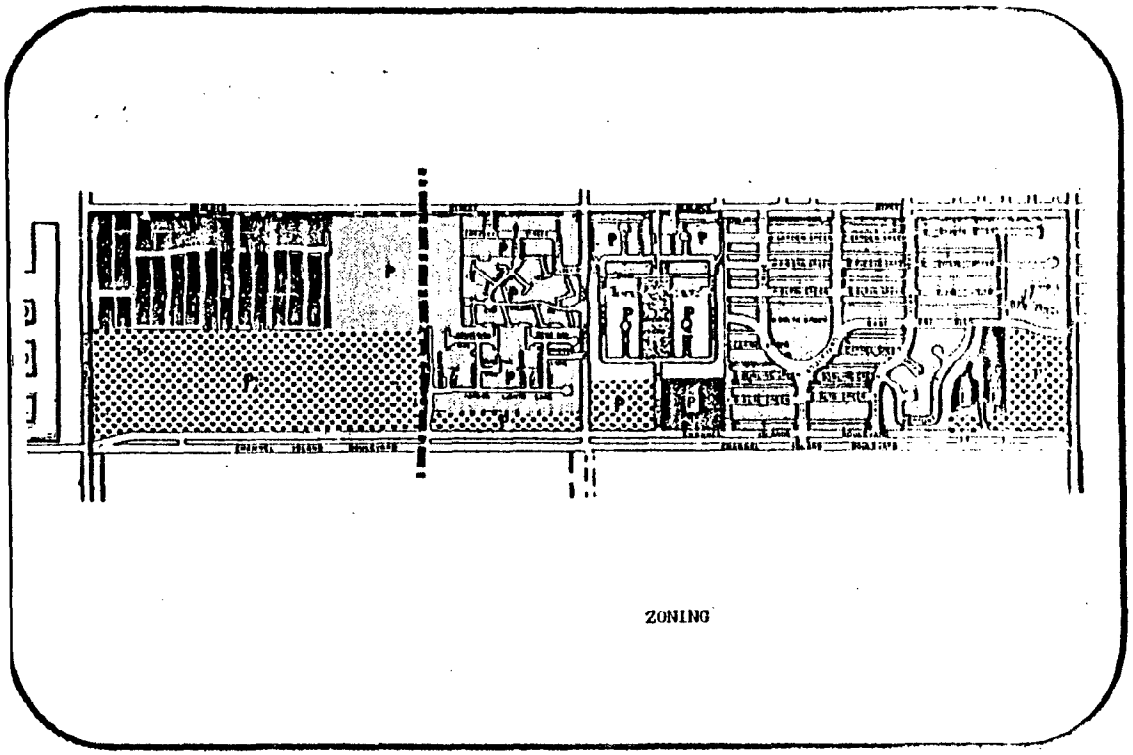
17.70,020 CERTIFICATE OF COMPLIANCE. No premises shall be occupied or used and no building hereafter erected or altered shall be occupied or used until a certificate of compliance shall have been issued by the Building Inspector.

17.70.030 SEVERABILITY. In the event that any section, subsection, sentence, clause, or phrase of this Title shall be held unconstitutional or invalid by any court, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this Title; and the City Council of the City of Port Hueneme hereby declares its intentions to adopt all other sections, subsections, sentences, clauses and phrases in the Title irrespective of the unconstitutionality or invalidity of any other section, subsection, sentence, clause or phrase of this Title.

17.70.040 JUDICIAL REVIEW OF COASTAL DEVELOPMENT. Any person, including an applicant for a permit or the Coastal Commission of the State of California, aggrieved by a decision or action of the City on a discretionary project affecting property within the Coastal Zone, which project is not otherwise appealable pursuant to the provisions of Section 17.22.090, shall have a right to judicial review of such decision or action by filing a petition for writ of mandate in accordance with the provisions of Section 1094.5 of the Code of Civil Procedure of the State of California within sixty (60) days after the decision or action has become final. The Coastal Commission may intervene in any such proceeding upon a showing that the matter involves a question of the conformity of a discretionary project within the City's certified Local Coastal Program, which intervention may be initiated upon request of the City. Notice of any such action against the City shall be filed with the Coastal Commission within five (5) working days of the filing of such action. When an action is brought challenging the validity of the City's certified Local Coastal Program, a preliminary showing shall be made prior to proceeding on the merits as to why such action should not have been brought pursuant to the provisions of Section 30801 of the Public Resources Code of the State of California.

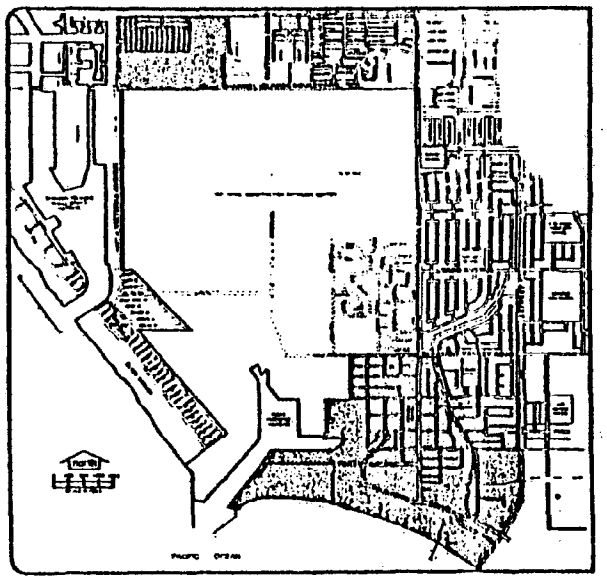
CITY OF PORT HUENEME
LOCAL COASTAL PROGRAM

CHANNEL ISLANDS (Area K)



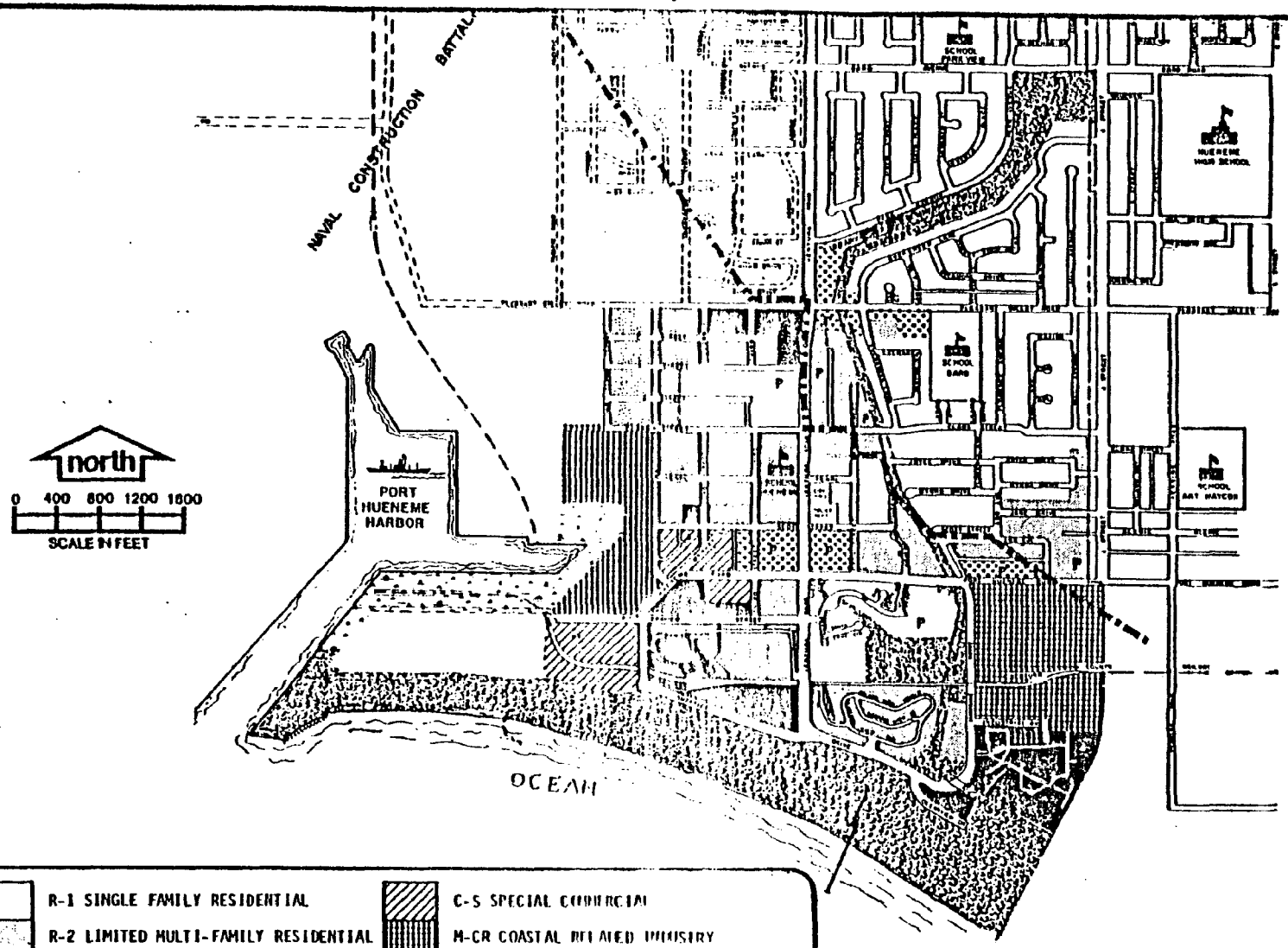
ZONING

ZONING



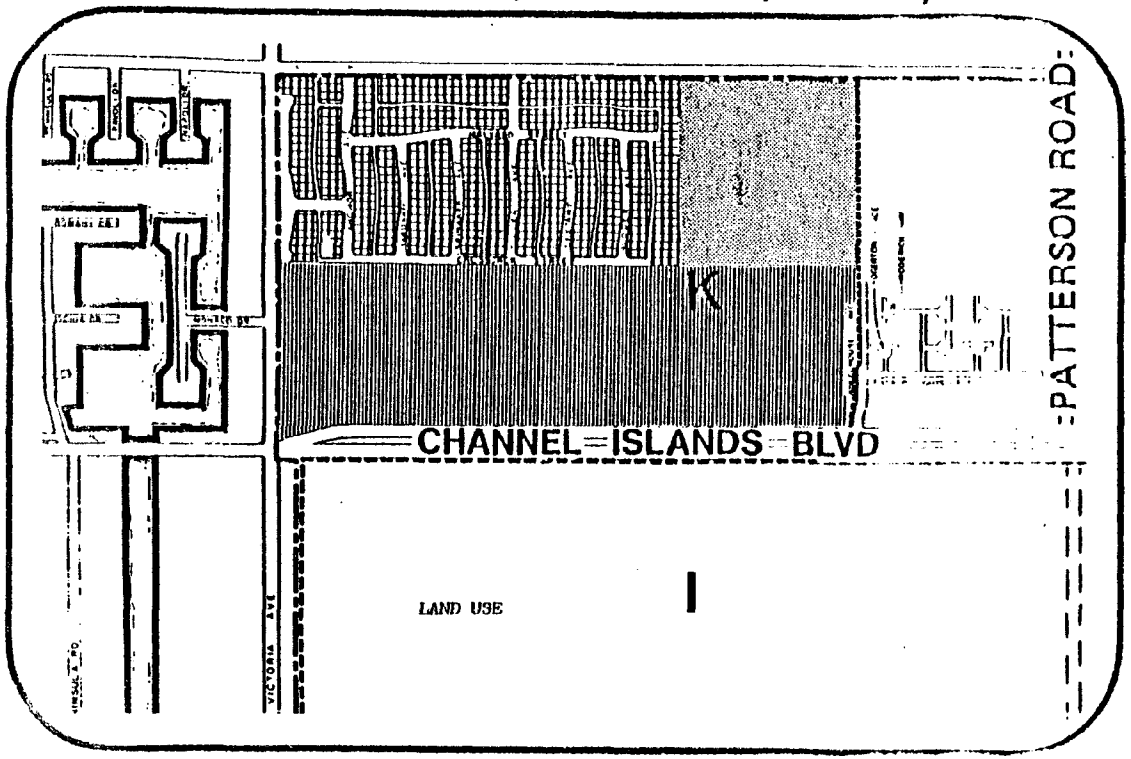
LOCATION MAP

BEACH / HARBOR (Areas A-J)

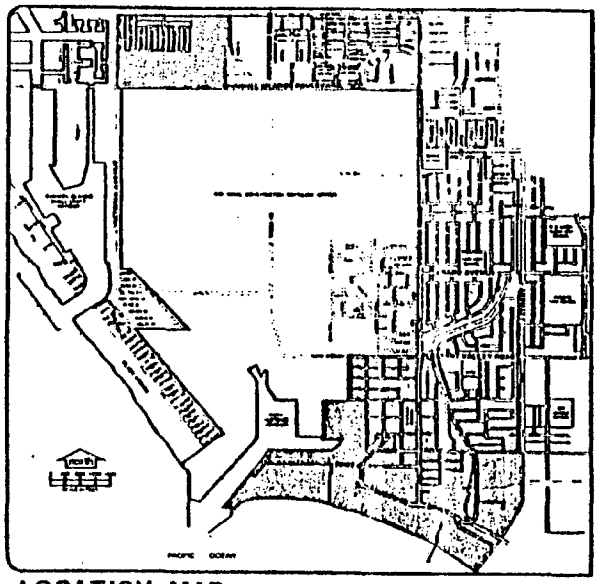


CITY OF PORT HUENEME
LOCAL COASTAL PROGRAM

CHANNEL ISLANDS (Area K)



LAND USE



LOCATION MAP

BEACH / HARBOR (Areas A - J)